United States Court of Appeals

for the Second Circuit

JOINT APPENDIX

ORIGINAL

76-7472

United States Court of Appeals

For the Second Circuit

B

P/S

TOMAS ROSARIO, OVIDIO VEGA and RAY CABEL,

Plaintiffs-Appellees,

against

AMALGAMATED LADIES' GARMENT CUTTERS' UNION, LOCAL 10 of I.L.G.W.U. and INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO,

Defendants-Appellants.

JOINT APPENDIX

VOLUME II OF TWO VOLUMES

EXHIBITS 15(c) to 21 — Pages JA267 to JA537

UNITED STATES COURT OF APPEALS
FILED
OCT 26 1976
A. DANIEL FUSARO, CLERK
SECOND CIRCUIT

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PAGINATION AS IN ORIGINAL COPY

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Exhibit 15(c)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------x

TOMAS ROSARIO, OVIDIO VEGA and RAY CABEL,

Plaintiffs,

-against-

AMALGAMATED LADIES' GARMENT CUTTERS' UNION, LOCAL 10 OF I.L.G.W.U. and INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO,

Defendants.

----------x

76 Civ. 3204 (CBM)

AFFIDAVIT

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

HAROLD BRODSKY, being duly sworn, deposes and says:

1. I am a rank and file member of Amalgamated Ladies' Garment Cutters' Union, Local 10, which is affiliated with International Ladies' Garment Workers' Union, AFL-CIO. I have been a member of that local for many years. I do not occupy any office or position of any kind whatsoever in Local 10. I am employed as a grader (the highest classification of a cutter) by Allison Ayres, 1400 Broadway, New York, New York, and have been so employed by them for the past 11 years.

2. I make this affidavit in opposition to the plaintiffs' motion for temporary injunction and in support of Local 10's motion for summary judgment. I have read the plaintiffs' Complaint and the affidavit of Tomas Rosario, sworn to July 8, 1976, in support of the motion for a temporary injunction, and I know the contents of both documents.

3. I have also carefully read the affidavit of David Mittleman, sworn to on July 30, 1976, which is submitted simultaneously with this affidavit and I hereby swear that everything contained in that affidavit, to my knowledge is true, and I incorporate the contents of that affidavit as part of this affidavit with the same force and effect as if all the statements in that affidavit were repeated verbatim in this affidavit.

4. At the membership meeting of November 24, 1975, which I attended, I was nominated by Brother Abe Hoffman to serve as a member of the Trial Committee to hear charges preferred by Dolgen against the three members of Local 10 who are plaintiffs in this action.

5. I knew nothing then of what plaintiffs were being charged with or of any prior proceedings had against them.

6. I deny that Local 10 failed to give adequate notice of the membership meeting to be held on November 24, 1975. I saw a notice of the meeting on the bulletin board at the office of Local 10 some weeks prior to November 24, 1975. I also saw notices of the meeting in a copy of "Justice" the publication of the International Ladies Garment Workers' Union in the issue of October 15-November 1, 1975, and in the issue of November 15, 1975. As a result, I attended the meeting.

7. I deny that the membership meeting of Local 10 on November 24, 1975, or any other membership meeting of Local 10 held on any other date was ever dominated by the incumbent officers of Local 10.

8. I deny that the Manager of Local 10 or anybody else "handpicked" me to serve as a member of the Trial Committee to hear charges preferred by Dolgen against the three plaintiffs in this action.

9. Of my own free will, I accepted the nomination at the memberhsip meeting of Local 10 to serve as a member of the Trial Committee. I had no knowledge in advance that I would be nominated.

10. Under the October 8, 1975 decision of the General Executive Board ordering a hearing de novo there were 5 members and 2 alternates of the Trial Committee to be elected. Altogether 7 members were nominated at the meeting. Under these circumstances, it is usual for the Chairman to put to a voice vote the question: "All those in favor of the 7 members say 'Aye'; all opposed say 'No,'" and announce the decision.

The members of the Trial Committee are not officers of Local 10 and no secret ballot is required.

But, since 5 were to be elected as members of the Trial Committee and 2 as alternates, the Chairman was particularly careful in the way the vote should be held. The membership had just decided that the 5 receiving the highest votes would constitute the Trial Committee and the 2 others would constitute the alternates. Therefore, the Chairman ordered that a hand vote be taken upon each candidate. All in favor were requested to raise their hands. The vote was counted and reported by tellers appointed by the Chairman. All against were requested to raise their hands. The tellers counted and reported the vote.

Members of the Local who are known to be in the opposition had also been appointed tellers but they declined to serve.

11. Therewere only two votes cast against me. That shows that I enjoy the confidence of my fellow members in my integrity, fairness and objectivity.

12. When the members of the Trial Committee and the alternates unanimously elected me as the Secretary of the Trial Committee to take "the official minutes of the hearing" it also constituted a vote of confidence that I would perform my duties honestly and to the best of my ability.

13. The members of Local 10 are workers; they are not lawyers or stenographers. At disciplinary proceedings our Trial Committee acted like jurors in a civil action. None of us know anything about rules of evidence; there is no judge to instruct us in the law; we allow other members of the International Ladies' Garment Workers' Union to act as lay lawyers at the choice of the accuser and the accused; we listen to the version of the facts presented by the accuser and his witnesses and by the accused and its witnesses; we take testimony in the form of written signed statements according to the preference of the witness; we decide upon the credibility of the witnesses.

We are also the judges who set rules of the hearing not inconsistent with the Constitution of the International Ladies' Garment Workers' Union which is also the Constitution of Local 10. We have the right to expect that both the accuser and the accused will obey our rulings or take the consequences.

14. A Union disciplinary proceeding is not a formal procedure like the one followed in the courts. A Trial Committee of laymen is intended to employ normal, reasonable and common sense procedure in arriving at a result.

15. As Secretary of the Trial Committee I took the minutes as well as any cutter is able to do. They are not verbatim minutes. They were not intended to be such. But the minutes which I wrote honestly reflect the substance of what occurred at the hearings and the decision rendered.

I recorded the minutes from notes which I made at the hearing and wrote the minutes of the hearings in my own hand as I did the decision reached by the Trial Committee. My minutes are honest and accurate.

Indeed, my task was comparatively easy. The accuser and his witnesses all testified from written statements which were made part of the record. The accused prepared a written statement which was also made part of the record. The questions that were asked by the Tiral Committee members and the answers given by the witnesses are faithfully recorded in the minutes which I took.

A jury in a civil or criminal proceeding does not even have the right to see the stenographic minutes of the trial. But the minutes which I prepared were made available to the Trial Committee to refresh their recollection.

16. Our Trial Committee decided that no tape recorder would be permitted by anyone to record the hearings in this case. The reasons are expressed in Mittleman's affidavit to which I have referred above. I quote therefrom the following:

The reason why our Committee refused to permit the accused to tape record the hearings were: (a) the accuser did not bring a tape recorder to the hearing to record it; (b) a tape recorder could be manipulated in various ways such as stopping the recording when damaging testimony is offered by those in opposition to the one who is doing the recording; (c) erasures can be easily made; (d) tapes can be replayed on another tape on another recorder and, in the process of doing so, portions originally taped which were unfavorable to the accused could be eliminated; and (e) the contentions could then be made by the accused that tapes which had been tampered with were more reliable than the official minutes taken by me.

Incidentally, I had in the back of my mind what had happened in the Watergate hearings when 18-1/2 minutes of tape had been erased and where on a playback it was unclear what had been said, and the confusion which resulted when more than one person spoke at the same time.

17. The accused refused to obey the Trial Committee's ruling not to tape the hearing. Our Committee adjourned the hearing for three weeks to give the accused an opportunity to decide whether they would obey our ruling and warned them that the hearing would proceed without them if they still refused to comply. They had plenty of time to think it over between December 18, 1974, the date of the first hearing and January 8, 1975, the date of the adjourned hearing. If they believed they were being denied what they call "due process" by our rulings, they had ample time between those two dates to seek the decision of a court by bringing an appropriate action and motion within that time, even if it should become necessary for our Committee to adjourn the trial until the Court had ruled.

18. By using the strategy of defying our rulings, by failing to proceed immediately in a court of competent jurisdiction for a ruling, and by waiting for almost seven months to assert their present position, they have forfeited the right to complain they were deprived of what they call "due process," a result brought upon by their own doing.

19. I annex and make a part hereof the following documents:

A. A Notice of Hearing dated December 4, 1975, to the accuser and each of the accused to which are attached the charges of Dolgen against the accused, dated February 10, 1975, and May 8, 1975 (refiled charges), and which letter of mine gives each of them notice that:

> "You are hereby summoned to appear at a hearing on the annexed charges which willbe held on Thursday, December 18, 1975, at 6:30 P.M. in the Council Room on the seventh floor of the offices of Local 10, 218 West 40th Street, New York, N.Y.10018."

These are collectively marked as Exhibit "A."

B. Typewritten letters dated December 26, 1975, signed by me as Secretary of the Trial Committee, addressed to the accused and each of the accusers notifying them that the hearing held on December 18, 1975, was adjourned to January 8, 1976, 6:30 p.m. in the Council Room of Local 10, 7th Floor, 218 West 40th Street, New York, NY 100[illegible]8. There was enclosed with a copy of each letter a copy of the minutes of the Hearing of the Trial Committee on December 18, 1975. These are collectively marked as Exhibit "B."

C. A document signed by each member and alternate of the Trial Committee electing David Mittleman to be Chairman, and myself, Harold Brodsky, to be Secretary to take the official minutes of the hearing of the Trial Committee on charges preferred on February 10, 1975, refiled on May 8, 1975, by Brother Abe Dolgen against Brothers Tomas Rosario, Ovidio Vega, and Raymond Cabel. This document is in my handwriting. This document is attached to this affidavit marked as Exhibit "C."

D. The minutes of the meeting of the Trial Committee of December 18, 1975, which is in my handwriting. To the minutes is attached the decision of the General Executive Board of the ILGWU, on charges by Abe Dolgen against Tomas Rosario, Ovidio Vega and Raymond Cabel, stating the conditions and procedure under which the trial de novo is to be had. The minutes are attached and annexed hereto as Exhibit "D."

E. Minutes of the Trial Committee hearing held on January 8, 1976, which is in my handwriting and to which there is attached the statements of the witnesses who testified in favor of the accuser; a letter from Brother Rosario to Chairman Mittleman, together with enclosures consisting of a typewritten "Statement to the Third Trial Committee To Try Us on Dolgen's Charges," dated December 18, 1975, and signed by each of the accused; letter

dated December 22, 1975, signed by each of the accused addressed to Mr. Nat Klein, Secretary-Executive Board, and letter dated December 22, 1975, signed by each of the accused and addressed to Mr. James Lipsig, Assistant Executive Secretary of the International Ladies' Garment Workers' Union. These are attached hereto and collectively marked as "Exhibit E."

F. Letter of David Mittleman dated December 24, 1975, in reply to letter of Tomas Rosario dated December 22, 1975. This is attached hereto as Exhibit "F."

G. Minutes of the Trial Committee of January 29, 1976, which considered the evidence in the case, discussed the decision and rendered the same. The minutes and the decision are attached hereto as Exhibit "G." They are all in my handwriting.

11. All of the foregoing papers were filed by me with Mr. Nat Klein, Secretary-Executive Board of Local 10, as provided by the Constitution of the International Ladies' Garment Workers' Union which also constitutes the Constitution of Local 10.

HAROLD BRODSKY

Sworn to before me this
30th day of July 1976.

Notary
CARMEN E. MALDONADO
Notary Public State of New York
No. 4515797
Qualified in Kings County
Commission Expires March 30, 1977

JA 276

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

EXHIBIT "A"

218 WEST 40th STREET NEW YORK, N.Y. 10018 • AREA CODE 212 695-0850

ABE DOLGEN
Manager-Sec'y

WILLIAM WEISS
Assistant Manager

NAT KLEIN
Sec'y-Executive Board

February 10, 1975

Mr. Nat Klein
Secretary - Executive Board
Amalgamated Ladies' Garment Cutters Union-Local 10
I.L.G.W.U.
218 West 40th Street
New York, N.Y. 10018

Dear Sir and Brother:

I, a member of Local 10, I.L.G.W.U., hereby prefer charges against OVIDIO VEGA LEDGER #17937, TOMAS ROSARIO LEDGER #26288 and RAYMOND CABEL LEDGER #25777, for violations of the following provisions of the I.L.G.W.U. Constitution and By-laws, pursuant to a pre-determined and calculated plan by:

1. Interfering with the functions and powers of officers, business agents, representatives, employees and agents of Local 10, I.L.G.W.U., in violation of subdivision (E) of Section 1, Article 20 of the constitution.

2. Interfering with the functions and powers of Local 10, I.L.G.W.U., in violation of subdivision (F) of Section I, Article 20 of the constitution.

3. Disobeying and failing to comply with orders and decisions of officials of Local 10, I.L.G.W.U., in violation of subdivision (C) of Section I, Article 20 of the constitution.

4. Action and conduct detrimental to the interests of the I.L.G.W.U., and of Local 10, in violation of subdivision (I) of Section I, Article 20 of the constitution: and

5. Action and conduct unbecoming a member, occuring in connection with membership in the I.L.G.W.U. and employment in its jurisdiction, in violation of subdivision (L) of Section I, Article 20 of the Constitution.

JA 277

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

218 WEST 40th STREET NEW YORK, N.Y. 10018 • AREA CODE 212 695-0850

BE DOLGEN
Manager-Sec'y

WILLIAM WEISS
Assistant Manager

AT KLEIN
Sec'y-Executive Board

In that on January 29, 1975 each in conjunction with each other, jointly took possession of the office of the Manager of Local 10, obstructed and interfered with the conduct of the usual business of Local 10, interfered with the functioning of the business agents and officers of Local 10, and refused to leave said office when ordered to do so by officers of Local 10.

And further, in that Raymond Cabel subsequently left the office of the Manager, proceeded on to the waiting room in the premises of Local 10, and sought to provoke physical action against the elected administration of Local 10, by members of Local 10 who were in such waiting room.

MEL DOLGEN

218 West 40th Street
ADDRESS

12352
LEDGER #

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

JA 278

LOCAL 10 I.L.G.W.U.

218 WEST 40th STREET NEW YORK, N.Y. 10018 • AREA CODE 212 695-0850

ABE DOLGEN
Manager-Sec'y

WILLIAM WEISS
Assistant Manager

NAT KLEIN
Sec'y-Executive Board

December 4, 1975

Mr. Abe Dolgen
Manager-Sec'y, Local 10
I.L.G.W.U.
218 West 40th Street
New York, New York 10018

Dear Sir and Brother:

There are annexed a true copy of charges which you, as a member of Local 10, preferred against Tomas Rosario, Ovidio Vega and Raymond Cabel. These charges were originally dated February 10, 1975, before the first trial and May 8, 1975, before the second trial. On October 8, 1975, the General Executive Board of the I.L.G.W.U. ordered a new trial on these charges to be held by a trial committee elected by the membership of Local 10 at a regular membership meeting. Such a committee was elected on November 24, 1975, and the committee has elected David Mittleman, #16417, as Chairman and the undersigned as Secretary. Under the October 8, 1975 decision, the undersigned is the only one to take the minutes of the hearing. These will be the official minutes which will be filed in the offices of Local 10.

You are hereby summoned to appear at a hearing on the annexed charges which will be held on Thursday, December 18, 1975, at 6:30 P.M. in the Council Room on the seventh floor of the offices of Local 10, 218 West 40th Street, New York, N.Y. 10018.

Under the Constitution of the I.L.G.W.U. you are entitled, as one of the accused members, to be represented by a single member in good standing of the I.L.G.W.U. You are also entitled to testify at the hearing and to bring such witnesses or other evidence as you may have in support of these charges. You or your representative are entitled to cross examine witnesses who testify in support of your charges and you yourself will be subject to cross examination.

JA 279

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

LOCAL 10 I.L.G.W.U.

218 WEST 40th STREET NEW YORK, N.Y. 10018 • AREA CODE 212 695-0850

ABE DOLGEN
Manager-Sec'y

WILLIAM WEISS
Assistant Manager

HAT KLEIN
Sec'y-Executive Board

The meeting will start promptly at 6:30 P.M. and you are expected to be on time and to bring your dues book with you.

Fraternally yours,

Harold Brodsky

Harold Brodsky, #16739
Secretary, Trial Committee

HB:em
opeiu:153
enclosures

JA 280

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

LOCAL 10 I.L.G.W.U.

218 WEST 40th STREET NEW YORK, N.Y. 10018 • AREA CODE 212 695-0850

OLGEN
anager-Sec'y
M WEISS
sistant Manager
EIN
c'y-Executive Board

December 4, 1975

Mr. Tomas Rosario 26288
1291 Spofford Ave. Apt. 6B
Bronx, New York 10474

Dear Sir and Brother:

There are annexed two copies of charges preferred against you, Ovidio Vega and Raymond Cabel by Abe Dolgen, a member of Local 10. These charges were originally dated February 10, 1975, before the first trial and May 8, 1975, before the second trial. On October 8, 1975, the General Executive Board of the I.L.G.W.U. ordered a new trial on these charges to be held by a trial committee elected by the membership of Local 10 at a regular membership meeting. Such a committee was elected on November 24, 1975, and the committee has elected David Mittleman, #16417, as Chairman and the undersigned as Secretary. Under the October 8, 1975 decision, the undersigned is the only one to take the minutes of the hearing. These will be the official minutes which will be filed in the offices of Local 10.

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Under the Constitution of the I.L.G.W.U. you are entitled, as one of the accused members, to be represented by a single member in good standing of the I.L.G.W.U. upon whom you, Ovidio Vega and Raymond Cabel agree. You are also entitled to testify at the hearing and to bring such witnesses or other evidence as you may have in defense against the charges. You or your representative are entitled to cross examine witnesses who testify against you and you yourself will be subject to cross examination.

JA 294

JA 281

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

LOCAL 10 ILGWU

AREA CODE 212
18 WEST 40th STREET NEW YORK, N.Y. 10018 • 695-0850

E DOLGEN
Manager-Sec'y
LLIAM WEISS
Assistant Manager
T KLEIN
Sec'y-Executive Board

The meeting will start promptly at 6:30 P.M. and you are expected to be on time and to bring your dues book with you.

Fraternally yours,

Harold Brodsky

Harold Brodsky, #16739
Secretary, Trial Committee

HB:em
opeiu:153
enclosures

-490

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

218 WEST 40th STREET NEW YORK, N.Y. 10018 • AREA CODE 212 695-0850

ABE DOLGEN
Manager-Sec'y

WILLIAM WEISS
Assistant Manager

NAT KLEIN
Sec'y-Executive Board

December 4, 1975

Mr. Ovidio Vega 17937
373 East 188th Street
Bronx, New York 10058

Dear Sir and Brother:

There are annexed two copies of charges preferred against you, Tomas Rosario and Raymond Cabel by Abe Dolgen, a member of Local 10. These charges were originally dated February 10, 1975, before the first trial and May 8, 1975, before the second trial. On October 8, 1975, the General Executive Board of the I.L.G.W.U. ordered a new trial on these charges to be held by a trial committee elected by the membership of Local 10 at a regular membership meeting. Such a committee was elected on November 24, 1975, and the committee has elected David Mittleman, #16417, as Chairman and the undersigned as Secretary. Under the October 8, 1975 decision, the undersigned is the only one to take the minutes of the hearing. These will be the official minutes which will be filed in the offices of Local 10.

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Under the Constitution of the I.L.G.W.U. you are entitled, as one of the accused members, to be represented by a single member in good standing of the I.L.G.W.U. upon whom you, Tomas Rosario and Raymond Cabel agree. You are also entitled to testify at the hearing and to bring such witnesses or other evidence as you may have in defense against the charges. You or your representative are entitled to cross examine witnesses who testify against you and you yourself will be subject to cross examination.

JA 283

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

LOCAL 10 ILGWU

218 WEST 40th STREET NEW YORK, N.Y. 10018 • AREA CODE 212 695-0850

ABE DOLGEN
Manager-Sec'y

WILLIAM WEISS
Assistant Manager

NAT KLEIN
Sec'y-Executive Board

The meeting will start promptly at 6:30 P.M. and you are expected to be on time and to bring your dues book with you.

Fraternally yours,

Harold Brodsky

Harold Brodsky, #16739
Secretary, Trial Committee

HB:em
opeiu:153
enclosures

JA- 284

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

LOCAL 10 I.L.G.W.U.

218 WEST 40th STREET NEW YORK, N.Y. 10018 • AREA CODE 212 695-0850

ABE DOLGEN
Manager-Sec'y

WILLIAM WEISS
Assistant Manager

NAT KLEIN
Sec'y-Executive Board

December 4, 1975

Mr. Raymond Cabel 25777
2190 Brigham Street
Brooklyn, New York 11229

Dear Sir and Brother:

There are annexed two copies of charges preferred against you, Ovidio Vega and Tomas Rosario by Abe Dolgen, a member of Local 10. These charges were originally dated February 10, 1975, before the first trial and May 8, 1975, before the second trial. On October 8, 1975, the General Executive Board of the I.L.G.W.U. ordered a new trial on these charges to be held by a trial committee elected by the membership of Local 10 at a regular membership meeting. Such a committee was elected on November 24, 1975, and the committee has elected David Mittleman, #16417, as Chairman and the undersigned as Secretary. Under the October 8, 1975 decision, the undersigned is the only one to take the minutes of the hearing. These will be the official minutes which will be filed in the offices of Local 10.

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Under the Constitution of the I.L.G.W.U. you are entitled, as one of the accused members, to be represented by a single member in good standing of the I.L.G.W.U. upon whom you, Ovidio Vega and Tomas Rosario agree. You are also entitled to testify at the hearing and to bring such witnesses or other evidence as you may have in defense against the charges. You or your representative are entitled to cross examine witnesses who testify against you and you yourself will be subject to cross examination.

JA 285

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

LOCAL 10 ILGWU

18 WEST 40th STREET NEW YORK, N.Y. 10018 • AREA CODE 212 695-0850

E DOLGEN
Manager-Sec'y

LLIAM WEISS
Assistant Manager

T KLEIN
Sec'y-Executive Board

The meeting will start promptly at 6:30 P.M. and you are expected to be on time and to bring your dues book with you.

Fraternally yours,

Harold Brodsky

Harold Brodsky, #16739
Secretary, Trial Committee

HB:em
opeiu:153
enclosures

-450

JA 286

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

18 WEST 40th STREET NEW YORK, N.Y. 10018 • AREA CODE 212 695-0850

E DOLGEN
Manager-Sec'y

LLIAM WEISS
Assistant Manager

T KLEIN
Sec'y-Executive Board

May 8, 1975

r. Nat Klein
ecretary - Executive Board
malgamated Ladies' Garment Cutters Union-Local 10
.L.G.W.U.
18 West 40th Street
ew York, N.Y. 10018

ear Sir and Brother:

I, a member of Local 10, I.L.G.W.U., hereby prefer charges against DIO VEGA LEDGER #17937, TOMAS ROSARIO LEDGER #26288 and RAYMOND CABEL EDGER #25777, for violations of the following provisions of the I.L.G.W.U. onstitution and By-Laws, pursuant to a pre-determined and calculated plan by:

1. Interfering with the functions and powers of officers, business agents, representatives, employees and agents of Local 10, I.L.G.W.U., in violation of subdivision (E) of Section 1, Article 20 of the constitution.

2. Interfering with the functions and powers of Local 10, I.L.G.W.U., in violation of subdivision (F) of Section I, Article 20 of the constitution.

3. Disobeying and failing to comply with orders and decisions of officials of Local 10, I.L.G.W.U., in violation of subdivision (C) of Section I, Article 20 of the constitution.

4. Action and conduct detrimental to the interests of the I.L.G.W.U., and of Local 10, in violation of subdivision (I) of Section I, Article 20 of the constitution: and

5. Action and conduct unbecoming a member, occuring in connection with membership in the I.L.G.W.U. and employment in its jurisdiction, in violation of subdivision (L) of Section I, Article 20 of the Constitution.

BEST COPY AVAILABLE

JA 287

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

218 WEST 40th STREET NEW YORK, N.Y. 10018 • AREA CODE 212 695-0850

ABE DOLGEN
Manager-Sec'y

WILLIAM WEISS
Assistant Manager

MAT KLEIN
Sec'y-Executive Board

In that on January 29, 1975 each in conjunction with each other, jointly took possession of the office of the Manager of Local 10, obstructed and interfered with the conduct of the usual business of Local 10, interfered with the functioning of the business agents and officers of Local 10, and refused to leave said office when ordered to do so by officers of Local 10.

And further, in that Raymond Cabel subsequently left the office of the Manager, proceeded on to the waiting room in the premises of Local 10, and sought to provoke physical action against the elected administration of Local 10, by members of Local 10 who were in such waiting room.

ABE DOLGEN

218 West 40th Street

ADDRESS

12352

LEDGER #

BEST COPY AVAILABLE

490

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

EXHIBIT "B"

218 WEST 40th STREET NEW YORK, N.Y. 10018 AREA CODE 212 695-0850

BE DOLGEN
Manager-Sec'y

ILLIAM WEISS
Assistant Manager

AT KLEIN
Sec'y-Executive Board

December 26, 1975

Mr. Tomas Rosario, #26288
1291 Spofford Avenue Apt. 6B
Bronx, N.Y. 10474

Dear Sir and Brother:

You are hereby notified that the hearing held on December 18, 1975, was adjourned to January 8, 1976. It will be held at 6:30 P.M. on that day in the Council Room of Local 10 on the seventh floor, 218 West 40th Street, New York, N.Y. Please be present and on time with your witnesses.

The decision reached by the Trial Committee on December 18, 1975, was that you may not bring or use a tape recorder or any other electronic recording device at the hearing on January 8, 1976 or, if the trial is continued, on any subsequent date. You are required to obey that ruling.

A copy of the minutes of the hearing on December 18, 1975, is enclosed.

Fraternally yours,

Harold Brodsky

Harold Brodsky, Secretary
Trial Committee

encl.
HB:sm
opeiu:153

490

JA 289

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

LOCAL 10 ILGWU

218 WEST 40th STREET NEW YORK, N.Y. 10018 • AREA CODE 212 695-0850

BE DOLGEN
Manager-Sec'y

ILLIAM WEISS
Assistant Manager

AT KLEIN
Sec'y-Executive Board

December 26, 1975

Mr. Ovidio Vega, #17937
373 East 188th Street
Bronx, N.Y. 10058

Dear Sir and Brother:

You are hereby notified that the hearing held on December 18, 1975, was adjourned to January 8, 1976. It will be held at 6:30 P.M. on that day in the Council Room of Local 10 on the seventh floor, 218 West 40th Street, New York, N.Y. Please be present and on time with your witnesses.

The decision reached by the Trial Committee on December 18, 1975, was that you may not bring or use a tape recorder or any other electronic recording device at the hearing on January 8, 1976 or if the trial is continued, on any subsequent date. You are required to obey that ruling.

A copy of the minutes of the hearing on December 18, 1975, is enclosed.

Fraternally yours,

Harold Brodsky

Harold Brodsky, Secretary
Trial Committee

encl.
HB:sm
opeiu:153

JA 2-90

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

LOCAL 10 ILGWU

218 WEST 40th STREET NEW YORK, N.Y. 10018 • AREA CODE 212 695-0850

ABE DOLGEN
Manager-Sec'y

WILLIAM WEISS
Assistant Manager

NAT KLEIN
Sec'y-Executive Board

December 26, 1975

Mr. Raymond Cabel, #25777
2190 Brigham Street
Brooklyn, N.Y. 11229

Dear Sir and Brother:

You are hereby notified that the hearing held on December 18, 1975, was adjourned to January 8, 1976. It will be held at 6:30 P.M. on that day in the Council Room of Local 10 on the seventh floor, 218 West 40th Street, New York, N.Y. Please be present and on time with your witnesses.

The decision reached by the Trial Committee on December 18, 1975 was that you may not bring or use a tape recorder or any other electronic recording device at the hearing on January 8, 1976 or if the trial is continued, on any subsequent date. You are required to obey that ruling.

A copy of the minutes of the hearing on December 18, 1975, is enclosed.

Fraternally yours,

Harold Brodsky

Harold Brodsky, Secretary
Trial Committee

encl.
HB:sm
opeiu:153

AMALGAMATED LADIES' GARMENT CUTTERS' UNION
LOCAL 10 ILGWU
JA 291
218 WEST 40th STREET NEW YORK, N.Y. 10018 • AREA CODE 212 695-0850

ABE DOLGEN
Manager-Sec'y

WILLIAM WEISS
Assistant Manager

NAT KLEIN
Sec'y-Executive Board

December 26, 1975

Mr. Abe Dolgen, Manager-Secretary
Local 10, ILGWU
218 West 40th Street
New York, N.Y. 10018

Dear Sir and Brother:

You are hereby notified that the hearing held on December 18, 1975, was adjourned to January 8, 1976. It will be held at 6:30 P.M. on that day in the Council Room of Local 10 on the seventh floor, 218 West 40th Street, New York, N.Y. Please be present and on time with your witnesses.

The decision reached by the Trial Committee on December 18, 1975 was that you may not bring or use a tape recorder or any other electronic recording device at the hearing on January 8, 1976 or if the trial is continued, on any subsequent date. You are required to obey that ruling.

A copy of the minutes of the hearing on December 18, 1975, is enclosed.

Fraternally yours,

Harold Brodsky

Harold Brodsky, Secretary
Trial Committee

encl.
HB:sm
peiu:153

Minutes of Hearing - Dec 15, 1975

The trial committee consisting of the following
DAVID MITTLEMAN - CHAIRMAN
HAROLD BRODSKY - SECRETARY
MURRAY EDWIN
Sam BOCCASIGI
FLEMMIE ADAMS
JERRY SIEDBAND - ALTERNATE
DAVE SIROTA - ALTERNATE
met this date at 6:30 P.M. at local 10 office, 215 W 40th St, NYC for the purpose of hearing charges preferred by Abe Dolgen as a member of local 10 against the following members of local 10 - EVIDIO VEGA - 17937
TOMAS ROSARIO - 26288
RAYMOND CABEL - 25777.

Brothers John Kurtz and David Fitzer stated that they represented the accused. Brother William Harris stated that he represented Brother Dolgen -

Then the Chairman read the decision from the General Executive Board of Oct 8, 1975 setting the conditions under which this trial will be held.

Brother Harris raised objection to the presence of a recording device in the room which was in operation. The Chairman, after consulting with the committee, ruled that the recording device was out of order in the trial room and ordered the tape recorder to be removed.

The accused union members refused to remove said recording device. After consultation with the members of the trial committee the Chairman refused to continue the hearing with the recording device in the hearing room and adjourned the hearing for 3 weeks from Dec 18 1975 for the purpose of giving the accused an opportunity to decide whether they will appear without a tape recorder and that if they persisted in bringing a tape recorder to the hearing on the adjourned date, the hearing will be held without them. Brother Harris then left the room.

A statement was about to be read on behalf of the accused, but the Chairman ruled that since the meeting had been adjourned, nothing further will be heard.

Respectfully submitted
Harold Brodsky
Sec - Trial committee.

JA 294

We, the undersigned, members of the Trial Committee to hear charges preferred on Feb 10, 1975 and refiled on May 5, 1975 by Brothers Abe Dolgin against Brothers Tomas Rosario, Ovidio Vega and Raymond Cabel, hereby elect David Mittleman to be Chairman and Harold Brodsky to be Secretary to take the official minutes of the hearing of the Trial Committee.

David Mittleman
Chairman

Harold Brodsky
Secretary

Murray Cohen
Member

Sam P. Boccessani
Member

Flemmie Adams Jr.
Member

agreed to:
David Sirota
alternate

Gerald J. Seidband
alternate

EXHIBIT "C"

SOL C. CHAIKIN
PRESIDENT
WILBUR DANIELS
EXECUTIVE VICE-PRESIDENT
E. HOWARD MOLISANI
FIRST VICE PRESIDENT
DAVID DUBINSKY
LOUIS STULBERG
HONORARY PRESIDENTS
GENERAL EXECUTIVE BOARD
SHELLEY APPLETON
MORRIS BIALIS
NICHOLAS S. BONANNO
ISRAEL BRESLOV
SIMON BRESNER
ABE DOLGEN
DAVID GINGOLD
SOL GREENE
MURRAY GROSS
SOL HOFFMAN
MATTIE JACKSON
SAM JANIS
EDWARD KRAMER
DOUGLAS LEVIN
HENOCH MENDELSUND
SALVATORE NOTO
JULIUS RAMIREZ
WILLIAM ROSS
EDWARD SCHNEIDER
MATTHEW SCHOENWALD
FREDERICK SIEMS
CORNELIUS WALL

EXHIBIT "D"

Decision of General Executive Board, ILGWU, on Charges by Abe Dolgen against Tomas Rosario, Ovidio Vega and Raymond Cabel

Although the three accused members of Local 10 have failed to utilize their right under the ILGWU Constitution to appeal to the full General Executive Board of the ILGWU (GEB), from the attached decision of its Appeal Committee, the GEB, on its own motion, has reviewed that decision, pursuant to its authority under Article 23, Section 5, subd.(d), of said Constitution.

It is the decision of the GEB that because of the special circumstances surrounding the case, and the fact that the charges have already been heard twice by the Executive Board of Local 10, the charges shall be reheard de novo by a Trial Committee of Local 10, under the following conditions:

1) The Trial Committee shall be composed of rank-and-file members of Local 10 and shall consist of five (5) members and two (2) alternates selected by the membership of Local 10 at the next general membership meeting of the Local. Persons serving on the Trial Committee shall not have previously been involved in hearing the charges or in making the charges or in defending against them.

2) The Trial Committee shall select one of its members as Chairman. It shall also select a Secretary from among its members who shall prepare the official minutes of the hearing which shall be filed in the offices of Local 10. The official minutes or true copies thereof shall be made available for inspection in the offices of Local 10 by either the charging party or the accused upon their written request therefor. True copies of the minutes shall be furnished if so requested in writing.

3) Should the Trial Committee find the accused or any of them guilty, any penalty which might be imposed shall not include disqualification as a candidate for Union office.

Minutes of hearing - Dec 18, 1975

the trial committee consisting of the following -
AVID MITTLEMAN - CHAIRMAN
HAROLD BRODSKY - SECRETARY
MURRAY EDWIN
Sam BOCCASIOI
FLEMMIE ADAMS
JERRY SIEDBAND - ALTERNATE
DAVE SIROTA - ALTERNATE
met this date at 6:30 P.M. at local 10 office,
18 W 40th St, N.Y. for the purpose of hearing
harges preferred by abe Dolgey as a member
f local 10 against the following members of
local 10 - OVIDIO VEGA - 17937
TOMAS ROSARIO - 26258
RAYMOND CABEL - 25777.

Brothers John Kurtz and David Spitzer
stated that they represented the accused. Brother
illiam Harris stated that he represented Brother
Dolgen -

Then the Chairman read the decision from
he General Executive Board of Oct 8, 1975 setting
e conditions under which this trial will be held.
(letter attached)

Brother Harris raised objection to the presence of a recording device in the room which was in operation. The Chairman, after consulting with the committee, ruled that the recording device was out of order in the trial room and ordered the tape recorder to be removed.

The accused union members refused to remove said recording device. After consultation with the members of the trial committee the Chairman refused to continue the hearing with the recording device in the hearing room and adjourned the hearing for 3 weeks from Dec 18, 1951 for the purpose of giving the accused an opportunity to decide whether they will appear without a tape recorder and that if they persisted in bringing a tape recorder to the hearing on the adjourned date, the hearing will be held without them. Brother Harris then left the room.

A statement was about to be read on behalf of the accused, but the Chairman ruled that since the meeting had been adjourned, nothing further will be heard.

Respectfully submitted -
Harold Brodsky
Sec - Trial committee.

EXHIBIT "E" JA 298

Minutes of ~~hearing~~ held Jan 8, 1976

The trial committee consisting of the following
David Mittleman - chairman
Harold Brodsky - secretary
Murray Edwin
Sam Boccasine
Dave Sirota - alternate
Jerry Siedband - alternate
(Florence Adams was absent)
met this date at 6:35 PM at local 10 office
218 W 40th St. nyc. for the purpose of
hearing charges preferred by Abe Dolgen as
a member of local 10 against the following
members of local 10.

Ovidio Vega - 17937
Amos Rosario - 26258
Raymond Cabel - 25777

It was noted by the Chairman that the
accused brought into the hearing room a
recording device. they had been told at the
hearing of Dec 18, 1975 that if they insisted on
having a recording device in the room, the
hearing would be held without them. they agree
refused to remove the recording device and the
trial committee adjourned to another room in
the local 10 office without the accused.

The hearing was opened by chairman
Mittleman reading the charges as prepared by
Brother Abe Dolgen. (charges attached)

The first witness was Nat Roth - 16590.
He was asked by Brother Wm Harris (representing Brother
Dolgen) if he was present at approximately 9:30 AM
in the local 10 union hall ? he answered yes -
Brother Harris asked him to read his statement

(signed statement of Brother Roth attached)
Brother Roth was asked by the Chairman if he had anything to add to his statement. He said no.
Brother Roth was asked by committeeman San Bocassini if there were many union members on the floor at the time Brother Cabel was screaming in the hall. He said there were about 50 to 70 members present.

The next witness was Brother Abe Dolgen #12352. Brother Harris asked Brother Dolgen if he was in his office at approximately 9:30 AM on Jan 29, 1975. Brother Dolgen said he was. Brother Harris asked him to read his prepared statement. He proceeded to do so. STATEMENT attached.

The Chairman asked the witness if he had anything to add. Brother Dolgen said that as he had said in his statement he had not wanted anyone to be arrested. That when the Police Dept later called him and asked him to prefer charges against the two members who were arrested he did not do so.

The secretary of the committee asked Brother Dolgen what the accused were saying when as he stated they were screaming & arguing. He said that they were using vile & insulting language which he did not care to repeat.

The next witness was Brother Bernard Zionsky #16107. He was asked by Brother Harris if he had been in the managers office on Wednesday Jan 29, 1975 at approximately 9:30 A.M.
Brother Zionsky said that he had been called into the managers office that morning. Brother Harris then asked him to read his statement (Statement attached)
The Chairman asked Brother Zionsky if he had anything to add. Brother Zionsky said that he stood on his statement.

the next witness was Brother Nat Klein #253A. He was asked by Brother Harris if had been present at approximately 9:30 AM on Jan 29, 1975 in the managers office. He answered yes. Brother Harris asked him to read his statement. (Statement attached)

Chairman asked him if he had anything to add to his statement. He said no.

The next witness was Brother Edward Pastel #14329. He was asked by Brother Harris if he was in the managers office on Jan 29, 1975 at approximately 9:30 A.M.. He answered yes. Brother Harris asked him to read his statement. (Statement attached)

The Secretary asked what he meant by boisterous. He said they were yelling and that Brother Cable called Dolgen a racketeer among other things.

The next witness was Brother Marvin Glick #25482. He was asked by Brother Harris if he was in the managers office on Jan 29, 1975 at approximately 9:30 A.M.. He answered yes. Brother Harris asked him to read his statement. (Statement attached)

The Chairman asked him if he recalled where he was when Cable walked out. He said he was near the door in the managers office. When he went into the ante Room. He heard a lot of noise on the floor outside. He was asked by committee member Sorin if he heard what was being said on the floor. He said he could not make out the language.

The next witness was Stanley Schaller #0102683 Brother Harris asked him if he had been present in the union floor on Jan 29, 1975 at approximately 9:30 A.M. He answered yes. Brother Harris asked him to read his statement. (Statement attached)

Committee man Murray Edwin asked him what was said to him by Brother Cable. He said that Cable said to him - "We know who your family is". He also stated that when he later met Cable in the street, Cable used abusive language to him.

The next witness was William Wells #7167A Brother Harris asked him if he was present in the managers office on Jan 29, 1975 at approximately 9:30 A.M. He answered yes. Brother Harris asked him to read his statement. (statement attached)

He was asked by the Chairman if he had anything further to add. He replied no, his statement just about covered it.

Brother William Harris #-6436, stated that with the evidence submitted, the trial committee should have no trouble reaching a verdict.

The Chairman ordered that the following be included in these minutes: letter of Brother Rosario to Chairman Mittleman dated Dec 22, 1975 with enclosures: letter of Chairman Mittleman to Brother Rosario dated Dec 24, 1975: letters of Secretary Brodsky dated Dec 26, 1975 to each of the accused and the accuser, with copies of the minutes of the hearing of Dec 18, 1975 enclosed.

The Chairman instructed the committee to consider the evidence heard tonight so that a verdict could be reached at our next meeting. Meeting was adjourned at 7:45 P.M.

Respectfully submitted -

Harold Brodsky
Secretary - Trial Committee

Raymond Cabel was screaming in the Union hall. He told the men what are you a bunch of fucking lice - in other words he was trying to provoke the Union men to create a riot against Manager Abe Dolgen. Ray Cable stated the Union wasn't treating the men fairly. This angered me because this unemployment situation is a general standard in our country today.

Nat Roth
Ledger #16690

Nat Roth

On Wednesday, January 29, 1975, approximately 9:15, there was a knock on the window to my office. My secretary was not in yet so I answered the knock and saw Brothers Raymond Cabel, Ovidio Vega and Tomas Rosario. These three brothers said they wanted to see me concerning the referral of jobs.

After everyone entered my office, I called in Business Agent Bernard Zionsky. Brothers Cabel, Vega and Rosario told Business Agent Zionsky and I that they had been out of work and that they wanted me to give them jobs. Brothers Cabel, Vega and Rosario stated that they would stay in my office even if they had to fight, until I would tell them what I was going to do. Rosario stated to B.A. Zionsky and myself that you've got a sit in strike and they were not leaving. I repeatedly asked them to leave so that I could conduct my business.

I called in Ass't. Manager William Weiss and Secretary Nat Klein. B.A. Ed Pastel also came into my office to conduct some union business, as he does every morning. At this time, Brothers Cabel, Vega and Rosario had become boisterous; screaming and arguing with me. B.A. Mike Glick came into my office, as did B.A. Pastel, to conduct business. Again I repeated my request to please leave my office so that I could conduct business. Subsequently, every Officer and Business Agent asked Brothers Cabel, Vega and Rosario to please leave, other members were entitled to see or speak to their Manager.

Again I asked the three Brothers to leave to which they refused. I stated that if they wouldn't leave I would be compelled to call the police. All three Brothers refused and told me to go ahead and call the police. Reluctantly, I called the police. The Officers and

18

JA 304

Business Agents and I then proceeded into the secretary's office to wait for the police. Brothers Cabel, Vega and Rosario stayed in my office conversing.

Raymond Cabel left my office and went out onto the Union hall and started yelling. Brothers Vega and Rosario stayed in my office. The police arrived at approximately 10:00 a.m. The police and I talked in the secretary's office. I told them that Brothers Rosario and Vega refused to leave my office. The police asked me what did I want them to do. I stated that I did not want anyone arrested, just to leave my office so that I could conduct business. The police then spoke to Brothers Vega and Rosario and asked them to please leave the office, that no one wants to arrest them. The police asked them three times and each time they refused. The police then stated that if they did not leave they would have to be arrested. They replied, so lock us up. At approximately 10:10, Brothers Vega and Rosario were arrested and escorted out of my office.

Abe Dolgen

Abe Dolgen, #12352

12352

Wednesday, January 29, 1975

1/8/76 JA 305

Approximately 9:15 A.M.

Brother Dolgen called me in on the above date and time into his office where I found Brothers Cabel, Vega and Rosario. They told Manager Dolgen and me that they had been out of work and that they wanted Brother Dolgen to give them jobs. Brothers Cabel, Vega and Rosario stated that they would stay in the office even if they had to fight until Manager Dolgen would tell them what he was going to do. Brother Cabel became very boisterous. Rosario stated to Manager Dolgen and B.A. Zionsky that you've got a sit in strike and they were not leaving. Brother Dolgen repeatedly asked them to leave so he could conduct his business. I also asked them to leave the Manager's office, but they refused. Brother Dolgen told them if they did not leave he would have to call the Police. They said "Go ahead and call the cops."

We went into the ante room where the Manager called the Police. The Police asked them to leave the office - they refused a number of times and then they were arrested.

Bernard Zionsky

JA 306

At approximately 9:30 Wednesday morning, January 29, 1975, I received a call to come into the Manager's office.

I went in and among the officers there, I saw Union members Thomas Rosario, Raymond Cabel and Ovidio Vega.

Cabel was saying in a very loud voice, "I will not leave this office until you tell me what you are going to do."

Manager Dolgen told these three brothers that he wanted them to leave as he had other Union business to take up. The three brothers continued to sit in their chairs arguing, and refused to leave.

Brother Dolgon, Brother Weiss and all the officers present including myself asked these brothers to leave.

Rosario, Cabel & Vega refused to leave.

Manager Dolgen told them that if they did not leave voluntarily, he would have to call the police.

They answered, "Go ahead and call the police."

All the officers walked out of the Manager's office, into the ante room adjoining his office, and left Rosario, Cabel and Vega sitting in the Manager's office.

Manager Dolgen called the police to come to his office.

Rosario, Cabel and Vega held a conversation in the corner of the Manager's office, following which Cabel walked out of the office leaving Rosario and Vega sitting there, until 2 policemen came into the ante room where they spoke to the Manager.

The police asked the Manager what he wanted them to do.

Brother Dolgon told the 2 policemen that all he wanted was

for Rosario and Vega to leave his office, so that he could go on with his Union affairs.

The police walked over to Rosario and Vega and asked them to leave.

The 2 brothers refused to budge.

The patrolmen reasoned with Rosario and Vega a number of times telling them if they did not leave of their own accord they would be forced to arrest them.

The policemen were not successful in getting Rosario and Vega to leave peacefully and finally removed them from the Manager's office by arresting them.

Nat Klein

Nat Klein

Jan 8, 1976

On Wednesday, January 29, 1975 at approximately 9:25 A.M., I went to Manager Abe Dolgen's office to discuss a problem in a Local 23 shop. As I approached the door to the Manager's office, I heard loud voices, and as I entered the Manager's office, I saw Ray Cable, Thomas Rosario and Ovidio Vega sitting in the office. Brother Cable was speaking in a loud voice and badgering those officers who were also in the Manager's office. These officers were Abe Dolgen, Nat Klein, Bill Weiss and Bernard Zionsky. As I entered, Brother Dolgen asked the 3 brothers to please leave his office because he had Union business to discuss and they were preventing him from conducting such business. All 3 brothers, Rosario, Vega and Cable refused to leave. Each officer including myself asked them in a very nice way to leave the manager's office because we had to discuss Union problems with the manager and couldn't do so because of their presence. They consistently and steadfastly refused to leave. After 15 minutes or so, Manager Dolgen again asked them to leave or they would compel him to call the Police to evict them. All 3, Rosario, Vega and Cable told Mgr. Dolgen to go ahead and call the Police, because they were not going to leave. Brother Cable was especially insulting and boisterous. All the officers left Mgr. Dolgen's office and went into the ante room (where Brother Dolgen's secretary works), at which point Brother Dolgen called the Police for assistance. Cable left the office at this point and started to yell and scream on the floor outside. In a short time, 2 policemen arrived and asked Brother Dolgen what the problem was. He explained to the policemen that he did not want the 3 members arrested, but only that they leave his office so he may continue to conduct the important business of our Union.

3 or 4 times, the policemen asked Brothers Rosario and Vega to leave and 3 or 4 times the brothers refused. One policeman informed Rosario and Vega that if they did not leave, they would be forced to arrest them. Their answer was - so arrest us. They were handcuffed together - all smiles, and as they left Manager Dolgen's office, they raised their hands high to the members on the floor and said see what they did.

E. Pastol

On Wednesday, Ja... 29, at approximately 9:20 A.M. I entered Manager Abe Dolgen's office to take up some problems in the Dress Dept. Present in the office were Mgr. Abe Dolgen, Asst. Mgr. Bill Weiss, Sec'y Nat Klein, Business Agents Bernard Zionsky, Ed Pastel, Brother Tomas Rosario, Brother Raymond Cable and Ovidio Vega. At the time that I walked in, Asst. Mgr. Bill Weiss was talking to Brother Vega and asking him to leave the office of the manager. Vega answered that he was staying till he got a job. Brother Cable did most of the talking and was abusive and boisterous stating that they would not leave the office of the manager. The 3 brothers were asked to leave by the manager and others but they refused. Manager Dolgen stated that they were forcing him to call the Police Dept. because he had business to take up and they would not leave. Brother Cable said do what ever you want, call the police, we are not leaving. At this point, Mgr. Dolgen went to his secretary's office and called the police. Brother Cable walked out of Mgr. Dolgen's office. Brothers Rosario and Vega remained. Within a few minutes you could hear a disturbance on the floor of the Local. In approximately 15 to 20 minutes, two police officers arrived and spoke to Brothers Rosario and Vega. The policeman asked Brother Rosario and Vega to leave the office of the Manager. They refused. The officer explained to the two brothers that if they did not leave voluntarily, they would have to take them out. Brothers Rosario and Vega still refused to leave. So the officers handcuffed them both and took them out of the office of Manager Dolgon.

Marvin Glick

Marvin Glick

JA 311

January 20, 1977

About 9:45 A.M.

Raymond Cable was in the Union shouting, cursing and making a nuisance annoying every one. He accused the Union of taking bribes from the cutters and bosses. He called the cutters mice and the agents lice. He said when will you stop taking it from the lice behind the doors. Vote for us next election and there will be a change.

I answered him, you are trying to destroy the Union like you destroyed others.

12:00 Noon

Raymond Cable tried to get me into another argument and became abusive. He said something about my family, possibly threatening.

Stanley Schaller
#26439

Stanley Schaller

JA 312

Tomas Rosario
1291 Spofford Ave., Apt. 6-B
Bronx, N.Y., 10474

December 22, 1975.

Mr. James Lipsig
Assistant Executive Secretary
International Ladies' Garment Workers' Union
1710 Broadway
New York, N.Y., 10019

Dear Sir and Brother:

In the matter of the charges preferred by Manager Ace Dolgen on February 10, 1975 and May 8, 1975 against Ovidio Vega, Raymond Cabel and Tomas Rosario, the undersigned request photostatic copies of the minutes taken by you at the GEB Appeal Committee's hearings held on Tuesday, April 8, 1975 and on Tuesday, July 22, 1975 in the Council Room at the General Office, 1710 Broadway.

These minutes are necessary for the undersigned to have a fair opportunity to prepare and present a defense at the next trial which will be held in three weeks, according to decision of adjournment by the chairman, brother David Rittleman, at the trial held on December 18, 1975.

Please, reply to us immediately, by mail to Tomas Rosario, at the address given at the head of this letter.

Fraternally,

Tomas Rosario
Ledger # 26288

Raymond Cabel
Ledger #25777

Ovidio Vega
Ledger #17937

STATEMENT TO THE THIRD TRIAL COMMITTEE
TO TRY US ON DOLGEN'S CHARGES

JA 313

For the third time we appear for a Moscow- style trial hearing on the charges filed against us by Dolgen. Dolgen's charges against us are nothing but lies and we are not guilty. Nevertheless, we have already been twice convicted by Dolgen's kangaroo courts and twice suspended from union activities as disciplinary punishment. The first such suspension went into effect after the hearing of February 25,1975 and remained in effect for two months, until April 28, 1975. The second went into effect after the second kangaroo proceeding of May 21, 1975 and so far as we know it is still in effect.

Theoretically, this Trial Committee was to be selected by the membership of Local 10. But in reality the membership had no real say in choosing it. Its selection was rigged by Dolgen. No notice of the membership meeting of November 24, 1975 was sent out to members. Notice was not even posted on the Local's bulletin board until a week before the meeting. And though notice was printed in the English-language edition of "Justice", it was deliberately omitted from the Spanish- and Italian- language editions. As a result, barely 125 members were present at the meeting. And at the meeting, the members were denied the right to vote by secret ballot. Instead, Dolgen imposed a hand-voting procedure, in which he and the business agents were allowed to intimidate members.

We have demanded copies of the minutes of our previous trials and appellate hearings. We have been denied them. In preparation for this hearing -- and in order to prepare for it -- we have requested copies of the minutes of the previous trials and of the membership meetings and executive board meetings at which the charges against us have been considered and/or reported upon. We have been denied them. As a result we have been denied a fair opportunity to prepare for this trial hearing.

We protest the rigged manner in which this Trial Committee was chosen and the denial to us of minutes of previous trials and meetings which are necessary to us in preparation for this hearing.

At previous trials and appellate proceedings there has been no competent stenographer present and we have been denied the right to tape record the proceedings or to bring a competent stenographer with us. Since we have been denied such right, and expect to be denied the right to have a stenographer record the proceedings, we have not gone to the expense of hiring a stenographer on this occasion. However, each of us demands and insists upon the right to bring a tape recorder and to record the proceedings thereon. On the past, "official" minutes of these proceedings have been "doctored", i.e., falsified. We know, judging by our past experience, that whatever minutes are taken by you they will be treated as the "record" of these proceedings on any appeal within the labor organization.

We are bringing with us a tape recorder so that we may take an accurate record of the proceedings. We are not interfering with the

taking of official notes by the Trial Committee's Secretary. We insist upon our right to make our own record in order to protect ourselves against falsification and/or innocent errors in those official notes, which in the past have been"doctored", i.e., falsified. JA 314

Accordingly, we insist upon our right to have these proceedings recorded by us on a tape recorder; such right to make a full and accurate record of proceedings is inherent in the concept of a fair trial.

Having previously experienced the Moscow-style trials conducted by the present officialdom of Local 10, none of us expects a fair trial by you. Nevertheless each of us intends to exercise and exhaust all reasonable remedies available to us within the labor organization. Each of us protests, however, that the disciplinary harassment of us is being carried on as an attempt by Dolgen and his stooges to intimidate rank-and-file members of Local 10 in the exercise of their Union rights.

Dolgen's charges against us are lies. He in effect admitted that they are lies when, after demanding that the police arrest two of us on substantially the same charges (and demanding that they arrest the third of us if only they could find him), Dolgen failed to show up in court to testify under oath, in front of a judge that he could not manipulate, in support of those charges.

Each of us denies the charges. Specifically, each of us denies that he ever "took possession" of any local 10 office or "obstructed" or "interfered with" the business of Local 10 or of any business agent, or refused lawful orders, or sought to provoke physical action against anyone. Dolgen's charges are lies and Dolgen himself is a liar, who lacks the courage to stand up in court in support of his charges.

Dolgen is using you to harass us because he is not man enough to face a court of law. Go ahead, conduct your hearing.

Tomas Rosario
TOMAS ROSARIO
Ledger #26288

Raymond Cabel
RAYMOND CABEL
Ledger # 25777

Ovidio Vega
OVIDIO VEGA
Ledger # 17937

December 18, 1975.

Tomas Rosario
1291 Spofford Ave. Apt. 6-B
Bronx, N.Y., 10474

December 22, 1975.

JA 315

Mr. Nat Klein
Secretary Executive Board
Local 10, I.L.G.W.U.
218 West 40th Street
New York, N.Y., 10018

Dear Sir and Brother:

In the matter of the charges preferred by Manager Abe Dolgen on February 10, 1975 and May 8, 1975 against Ovidio Vega, Raymond Cabel and Tomas Rosario, the undersigned request photostatic copies of the following minutes:

1. Photostatic copy of the minutes taken by brother Nat Klein at the trial held on Tuesday, February 25, 1975.

2. Photostatic copy of the minutes taken by brother Milton Strikler at the trial held on Wednesday May 21, 1975.

3. Photostatic copy of the minutes taken by brother Nat Klein at the Local 10 General Membership Meeting held on Monday, November 24, 1975, at the Statler-Hilton Hotel, in the matter of the election of the Trial Committee by the membership of Local 10, by Decision of the General Executive Board, I.L.G.W.U., rendered October 8, 1975.

4. Photostatic copy of the minutes taken by brother Harold Brodsky, Secretary of the Trial Committee, at the hearing held on December 18, 1975.

These minutes are necessary for the undersigned to have a fair opportunity to prepare and present a defense at the next trial which will be held in three weeks, according to decision of adjournment by brother David Mittleman at the trial held on December 18, 1975.

Please, reply to us immediately, by mail to Tomas Rosario, at the address given at the head of this letter.

Fraternally,

Tomas Rosario
Ledger #26238

Raymond Cabel
Ledger #25777

Ovidio Vega
Ledger #17937

JA 316

Tomas Rosario
1291 Spofford Ave. Apt. 6-B
Bronx, N.Y., 10474

December 22, 1975.

Mr. David Mittleman
c/o Nat Klein
Secretary Executive Board
Local 10, I.L.G.W.U.
218 West 40th Street
New York, N.Y., 10018

Dear Sir and Brother:

On December 18, 1975, at the Council Room of Local 10, after you officially gave the call for the trial hearing, and you read the letter and Decision of the General Executive Board, I.L.G.W.U., you recognized brother Bill Harris, the representative for the accuser Manager Abe Dolgen, and he presented his oral arguments and objections without any interruption.

But you ignored our representative's request to raise an issue on the arguments and objections presented by the accuser's representative, denying us the right to make a rebuttal, and you also refused to accept our written statement.

You arbitrarily adjourned the hearing that had been schedule that date without allowing us or our representatives to speak or even submit a written statement.

On behalf of myself and my fellow defendants I therefore submit the enclosed statement and ask that it be made a part of the record of the hearing.

Also, on behalf of all defendants I protest that the adjournment was designed and carried out for the purpose of harassment and intimidation.

I also enclose photostatic copies of my letters to Nat Klein and James Lipsig, requesting photostatic copies of the official minutes of certain proceedings. These minutes are necessary in our preparation of a defense to the charges against us.

Although demands has previously been made by defendants for copies of minutes of certain proceedings, in advance of the trial hearing, they have not yet been supplied.

Accordingly, we repeat our demand that such minutes be supplied to us in advance of the arbitrarily-adjourned hearing.

We await your response to this request and await also your notification as to the date the trial hearing will be held.

Fraternally;

Tomas Rosario

Tomas Rosario #26238

Enclosures.

EXHIBIT "F"

JA 317

2838 202nd Street
Bayside, N.Y. 11360
December 24, 1975

Mr. Tomas Rosario
1291 Spofford Avenue Apt. 6B
Bronx, N.Y. 10474

Dear Brother Rosario:

I have received your letter of December 22, 1975 and this is my answer to it.

Some of your statements are not true. I did not act arbitrarily at any time.

In the first paragraph of your letter you write that "brother Bill Harris, the representative for the accuser Manager Abe Dolgen" was recognized by me and "presented his oral arguments and objections without any interruption". In the first place, the charges against you and Brothers Vega and Cabel, a copy of which I have, were made against you by Brother Dolgen as a member of Local 10. In the second place, all Brother Harris stated at the meeting was that he represented Brother Dolgen in the case. I acknowledged this statement just as I did the statement by Brothers Kurtz and Spitzer that they represented you and Brothers Vega and Cabel.

Then Brother Harris asked me to read the October 8, 1975 decision of the General Executive Board ordering a new trial for the three of you. I did so. Brother Harris then called the attention of the Trial Committee to the fact that you had a tape recorder in front of you which was in operation and stated that only the Secretary of the Trial Committee could take the official minutes of the meeting and asked the Trial Committee to order that the tape recorder be removed from the hearing room.

After conferring with the other brothers of the Trial Committee, I ruled, in accordance with their decision, that the tape recorder would have to be removed from the hearing room, otherwise, the hearing would not go on. You did not remove the tape recorder. After conferring again with the other members of the Trial Committee, I adjourned the meeting of the hearing three weeks from December 18, 1975 to give you an opportunity to decide whether you would

proceed with the hearing without a tape recorder or any other electronic recording device and advised you that if you again produced a tape recorder or any other electronic recording device, the hearing would proceed in the absence of the accused.

It was after the meeting had been adjourned that you proposed to read a Statement, the contents of which I then did not know but a copy of which you enclosed in your letter to me. Since the meeting had already been adjourned and Brother Harris had already left the hearing room and your tape recorder was still in motion, I refused, with the consent of the other Trial Committee members, to hear your Statement.

Your Statement, therefore, will not be made part of the minutes of the meeting of the Trial Committee held on December 18, 1975.

If on January 8, 1975, the adjourned date of the hearing, you and the other accused come to the hearing without a tape recorder or any other electronic recording device, your Statement will certainly be listened to by the Trial Committee. And if you request, it will be made part of the record of that hearing. However, if you and the other accused refuse to be cross-examined on it, I cannot now know what weight the Trial Committee will give it.

I cannot go into the question, at this time, of the minutes you require of Brothers Klein and Lipsig. Neither I nor the Trial Committee can make any ruling until we hear the arguments why these documents are necessary to prepare for a new trial and why the minutes requested have been refused. Our Trial Committee will make this ruling only if you appear at the adjourned hearing without a tape recorder or any other electronic recording device and after we hear the arguments.

The trial hearing in your case has been adjourned to January 8, 1975, at 6:30 P.M. in the Local 10 Council Room on the seventh floor, 218 West 40th Street, New York, N.Y. 10018.

Fraternally yours,

Dave Mittleman

Dave Mittleman, Chairman
Trial Committee

cc: Ovidio Vega
Raymond Cabel

(1)

EXHIBIT "G" JA 319

Minutes of the Trial Committee - Jan 9, 1976

The trial committee consisting of the following — David Mittleman - Chairman
Harold Brodsky - Secretary
Murray Edwin
San Boccasino
Dave Sirota - alternate
met this date at 6:30 P.M. at Local 10 office, 218 W 40th St, N.Y.C. for the purpose of coming to a decision concerning the charges preferred by Brother Abe Dolgen, a member of Local 10, against the following members of Local 10. —

Orlando Vega 17937
Tomas Rosario 26278
Raymond Cabel 25777

Brother Hammie Adams had not been present at the hearing of Jan 2, 1976, at which time the evidence was heard, was excused, Brother Jerry Siedband, alternate, was excused.

The Secretary stated that he and Chairman Mittleman prepared a draft of a decision in the case, copies of which had been photostated and distributed to the four members and one alternate who had been present at both meetings of the trial committee. Chairman Mittleman then read aloud the draft of the decision. There was general discussion with respect to the first charge, in which all the members of the trial Committee participated. Brother Boccasino made a motion which was seconded by Brother Sirota that the draft decision be adopted with respect to the first charge that Brothers Rosario and Vega are suspended from the right to and are barred from attending and participating in any and all Membership Meetings of Local 10 for a period of 18 months from Jan 9, 1976. A vote was taken and the motion was unanimously passed.

Brother Boccasini made a motion which was seconded by Brother Sirota that the draft decision be adopted with respect to the first charge that Brother Cabel is suspended from and the right to and is barred from attending and participating in any and all Membership Meetings of Local 10 for a period of six months from Jan 8, 1976. A vote was taken and the motion was passed by a vote of 4 to 1. In the discussion, the dissenter stated that he believed Brother Cabel was guilty as charged but that he thought he should be warned not to commit the same or similar act again, and if he did, he should then be suspended.

With respect to the second charge against Brother Cabel, that he "sought to provoke physical action against the elected administration of Local 10 by members of Local 10 who were in such waiting room", Brother Sirota made a motion which was seconded by Brother Boccasini that the charge not be sustained. A vote was taken and this motion was unanimously passed.

Upon motion duly made and seconded, the draft decision as prepared by Chairman Mittleman and Secretary Brodsky was adopted as the decision of the Trial Committee.

Respectfully submitted

Harold Brodsky
Secretary - Trial Committee

Decision of the Local 10 Trial Committee

We, the undersigned were elected at a membership meeting of Local 10 on Nov 24, 1975, as a trial Committee to hear and decide "De Novo" charges made on Feb 10, 1975 and repeated on May 8, 1975, by Brother Abe Dolgey against Brothers Tomas Rosario, Ovidio Vega and Raymond Cable because of their conduct on Jan 29, 1975, claimed to be in violation of the Constitution of the I.L.G.W.U. A copy of the charges and a copy of the decision of the General Executive Board of the I.L.G.W.U. dated Oct 8, 1975, was delivered to us by Brother Nat Klein, Secretary-Executive Board of Local 10.

Notice of the hearing was sent to the accuser and the accused to appear for trial on Dec 15, 1975, with their witnesses. When the hearing opened, the Chairman read the decision of the General Executive Board of the I.L.G.W.U. which set the ground rules for the hearing. It was observed that the accused had brought with them to the hearing room a recording device which they had set in motion. The Chairman, after conferring with members of the Trial Committee and receiving their unanimous consent, ruled that the recording device was out of order in the trial room and ordered the tape recorder to be removed. The accused refused to remove it, the trial committee decided and the Chairman advised the accused that the hearing would not continue with the recording device in the hearing room and adjourned the hearing for three weeks, for the purpose of giving the accused an opportunity to decide whether they would appear without a tape recorder. The accused were advised that if they persisted in bringing a tape recorder to the hearing on the adjourned date, the hearing would be held without them.

The adjourned hearing was set for Jan 8, 1976, and notice was given to the accuser and the accused to appear with their witnesses on that day. In the meantime, on

Dec 22, 1975. Brother Rosario sent a letter to the Chairman of the Committee to which he attached a "statement to the third trial Committee to try us on Dolgens charges" dated Dec 18, 1975, signed by all three accused; a letter dated Dec 22, 1975, sent to Brother Nat Klein, Secretary-Executive, signed by all three accused, requesting certain information; and a letter sent to Brother James Lipsig, Assistant Executive Secretary, signed by all three accused, requesting certain information. Also, on Dec 26, 1975, the Secretary of the trial Committee sent letters to the accuser and the accused in which he advised them of the date, time and place of the adjourned hearing and in which he stated that "the decision reached by the trial Committee on Dec 18, 1975, was that you may not bring or use a tape recorder or any other electronic recording device at the hearing on Jan 8, 1976., or, if the trial is continued on any subsequent date. You are required to obey that ruling". These letters and the statement together with the Chairmans reply were made part of the minutes of the hearing of Jan 8, 1976.

When the hearing began the evening of Jan 8, 1976 it was noted by the Chairman that the accused again brought into the hearing room a recording device and that they had been told at the hearing of Dec 18, 1975, that if they insisted on having a recording device in the room, the hearing would be held without them. They again refused to remove the recording device and the trial Committee adjourned to another room in the local 10 offices to hear the charges without the accused being present.

On the basis of the evidence before us in the trial which we held, including the statement signed by the three accused, dated Dec 18, 1975, we unanimously sustain Brother Dolgen's charge that Brothers Rosario, Vega and Cabal on Jan 29, 1975, staged a sit-down in the office of the Manager of Local 10, that after stating their

business with him, they refused to leave his office upon repeatedly being requested to do so and that they obstructed Local 10 and interfered with it in the performance of its duties and functions. We unanimously find that Brother Dolgen had to call the police to remove the three accused Brothers from his office, that it was only then that Brother Cabel left the office and went into the outside waiting room where many cutters were present and made statements against the officers of Local 10. Brothers Rosario and Vega continued to remain in the office of the Manager until they were removed by the police. We unanimously find that Brother Dolgen did not order their arrests and that he did not sign any complaint in any court against them.

We unanimously decide that Brothers Rosario and Vega are suspended from the right to and are barred from attending and participating in any and all Membership Meetings of Local 10 for a period of 18 months from Jan. 8, 1976, and that Brother Cabel, who left the manager's office earlier than the others when the police were called, is suspended from the right to and is barred from attending and participating in any and all Membership Meetings of Local 10 for a period of 12 months from Jan. 8, 1976; that in all other respects, Brothers Rosario, Vega and Cabel shall have full rights of membership and shall not be disqualified from being a candidate for any office in Local 10 or in the ILGWU

We unanimously do not sustain the additional charge of Brother Dolgen against Brother Cabel, that in the waiting room he "sought to provoke physical action against the elected administration of Local 10 by members of Local 10 who were in such waiting room". Although he behaved disorderly and his language against the officers of Local 10 was obscene and unbecoming to a

member of Local 10, the evidence does not establish provocation to physical action.

Jan 29, 1976

David Mittleman
CHAIRMAN – TRIAL COMMITTEE

Harold Brodsky
SECRETARY - TRIAL COMMITTEE

Murray Edwin
MEMBER - TRIAL COMMITTEE

Saul Boccasseni
MEMBER – TRIAL COMMITTEE

David Sirota
ALTERNATE MEMBER - TRIAL COMMITTEE

Exhibit 15(d)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------x

TOMAS ROSARIO, OVIDIO VEGA and RAY CABEL,

Plaintiffs,

-against-

AMALGAMATED LADIES' GARMENT CUTTERS' UNION, LOCAL 10 OF I.L.G.W.U. and INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO,

Defendants.

76 Civ. 3204 (CBM)

AFFIDAVIT

----------x

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

WILLIAM HARRIS, being duly sworn, deposes and says:

I submitted a reply affidavit in the case pending before this Court captioned TOMAS ROSARIO, OVIDIO VEGA and RAY CABEL v. ARE DOLGEN, individually and as Manager of AMALGAMATED LADIES' GARMENT CUTTERS' UNION, etc., et al, Docket No. 75 Civ. 4632 (CBM).

I desire to resubmit that affidavit in opposition to the plaintiffs' motion for temporary injunction and in support of Local 10's motion for summary judgment. I am, therefore, repeating the affidavit in full and I have re-sworn to it on the day noted at the end hereof.

"STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

WILLIAM HARRIS, being duly sworn, deposes and says:

I am a member in good standing of defendant Local 10. I am also a business agent of that Local but I am not a general officer of the ILGWU.

I am familiar with the charges preferred by Abe Dolgen, a member of Local 10, against the plaintiffs in this action. Those charges were originally dated February 10, 1975. I am also familiar with the decision of the General Executive Board of the ILGWU, dated October 8, 1975, which ordered a new trial on the charges to be held by a Trial Committee, to be selected at the next general membership meeting of Local 10, which was held on November 24, 1975.

Mr. Dolgen consulted me and asked me if I would represent him in presenting his charges before the Trial

Committee which was scheduled to meet on December 18, 1975, on due notice to all parties and to present the witnesses in support of the charges and to cross-examine the accused after they had given their direct testimony. I agreed to do so. I interviewed Mr. Dolgen and all of his witnesses with respect to the facts of the case and am fully acquainted with them.

On December 18, 1975, at 6:30 P.M., I attended the hearing before the Trial Committee. I was not accompanied by either Abe Dolgen or any of his witnesses. I came in alone. When I entered I found present the 5 regular members and 2 alternates of the Trial Committee, the 3 plaintiffs and Brothers Kurtz and Spitzer, members of Local 10, who rose to state that they were representing the accused. I stated that I was representing Abe Dolgen.

When I came into the hearing room I found a tape recorder on a table in front of plaintiff Tomas Rosario. As soon as the Chairman of the Trial Committee opened the meeting the tape recorder was put into action. I then took the floor and asked the Chairman if he would read the decision of the General Executive Board so all of us would again be familiar with the way this meeting should be conducted. The Chairman did so, word for word, from beginning to end.

I then called the Chairman's attention to Paragraph 2 where it states that the Trial Committee shall select one of its members as Chairman and shall also select a Secretary from

among its members who shall prepare the official minutes of this hearing. I then stated, in substance, "My understanding of Paragraph 2 is that only the Secretary of this Trial Committee may take the minutes of this meeting and nobody else may do so. I see a tape recorder in action in front of Brother Tomas Rosario and I would request you to have him remove it." The Chairman then conferred with the rest of the members of the Trial Committee. After doing so the Chairman requested the accused to remove the tape recorder from the hearing room. There was a slight commotion among the accused and their representatives and it appeared that they were objecting to the ruling of the Trial Committee.

Then the Chairman stated to the accused and their representatives that the hearing will not continue until the tape recorder is removed from the hearing room. There was some more commotion among the accused and their representatives, but they refused to comply with the ruling that the tape recorder be removed. Then the Chairman stated, after again conferring with the other members of the Trial Committee, that this hearing stands adjourned for 3 weeks for the accused to reconsider whether or not they will proceed with the

hearing without a tape recorder, and if at the adjourned date of the hearing they again appear with a tape recorder, the hearing will be held without them. The Chairman thereupon ordered the hearing adjourned for 3 weeks from December 18, 1975."

G. William Harris

WILLIAM HARRIS

Sworn to before me this

day of August 1976.

Notary

MICHAEL A. LAWRENCE
NOTARY PUBLIC, State of New York
No. 03-4600274
Qualified in Bronx County
Commission Expires March 30, 1978

Exhibit 15(e)

JA 330

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------x

TOMAS ROSARIO, OVIDIO VEGA and RAY CABEL,

Plaintiffs,

-against-

AMALGAMATED LADIES' GARMENT CUTTERS' UNION, LOCAL 10 OF I.L.G.W.U. and INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO,

Defendants.

76 Civ. 3204 (CBM)

AFFIDAVIT

----------x

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

ISRAEL MECHLOWICZ, being duly sworn, deposes and says:

I am the Office Manager of Local 10 and have occupied that position since June 1974. I am not an elected or appointed officer of Local 10.

My duties consist of managing the office of Local 10, including, but not limited to, its clerical employees, its cashiers to whom dues are paid by members of Local 10, its bookkeepers, maintaining a register of all members of Local 10, supervising the sending of letters and all other communications to members of Local 10, and the like. I also supervise the working card department, the finance department and the Health and Welfare Fund department.

Membership lists of Local 10 are maintained in several ways in Local 10. There is a register of all its members. There is also a separate list of workers employed

in each of the nine segments of the ladies' apparel and allied industries in which members of Local 10 are employed. This latter list is maintained under the name of the shop in each particular segment in which the cutter is employed. For example, under Local 10's record of the firm of Galaxy Costume Corp., 225 West 37th Street, New York City, the name of plaintiff Tomas Rosario appears and shows that, for the year 1976, he was issued a working card by Local 10 to work in that shop on April 12, 1976 and that his working card was renewed on July 1, 1976. (Working cards are renewed every six months.) A copy of this record is annexed hereto as Exhibit 1. I starred the name of Rosario (which appears on the second page of the Exhibit) for the Court's convenience. Under Local 10's record of the firm Variety Frocks, 1359 Broadway, New York City, the name of plaintiff Ray Cabel appears and shows that, for the year 1976, he was issued a working card for that firm on January 28, 1976 which working card was renewed on July 11, 1976. A photostatic copy of this record is annexed hereto as Exhibit 2. I starred the name of Cabel for the Court's convenience.

With respect to Rosario, Vega and Cabel they continue to be on the register of members of Local 10. When any letters or communications are sent to members of Local 10, their names and addresses are printed out by our IBM machines. I hereby aver that under my supervision there was sent to each of the plaintiffs a letter dated May 7, 1976. I annex that letter hereto as Exhibit 3.

The firms of Galaxy Costume Corp. and Variety Frocks aforementioned are engaged in the manufacture of sportswear. I hereby aver that, under my supervision, there was sent to plaintiffs Rosario and Cabel who work in

these shops a letter dated May 17, 1976 which I annex hereto as Exhibit 4

The names of Rosario, Vega and Cabel have never been removed from the register or shop records and every letter or communication generally sent to members of Local 10 or sent to members working in any particular shop have also, under my supervision, been sent to each of the plaintiffs.

Sworn to before me
this 4th day of
August, 1976.

Notary

ANNABELLE FELLER
NOTARY PUBLIC, State of New York
No. 03-1189583
Qualified in Bronx County
Cert. filed in New York County
Commission Expires March 30, 1977

EXHIBIT 1

JA 333

FIRM: CHAKY COSTUME CORP. ADDRESS: 225 West 37th Street ASS'N: NSM B.A. EF BR. #23

LEDG. #	NAME & ADDRESS	WAGES	JAN. 19 76 IN	JAN. 19 76 OUT	JULY IN	JULY OUT	JAN. 19 77 IN	JAN. 19 77 OUT	JULY IN	JULY OUT
12875	1 David Haller	255- 242.86	1/9/76		7/3/76					
7307a	2 Max D. Schwartz	283.98 269.98	1/8/76		6/3-1/76					
16015	3 Nathan Rosenbluth	341.25 301.	1/13/76		7/7/76					
7372a	4 Philip Duvinsky	224.23	1/14/76							
30049	5 George Ganc	239.55	1/14/76							
21224	6 Francis Simon	263.76 251.20	1/21/76		7/12/76					
13841	7 Wm. Nasoff	257.52 239.55	2/3/76		7/16/76					
~~1[illegible]~~	8 ~~Joseph D'Addono~~	~~18.10~~	~~2/25/76~~							
21432	9 Bienvenido Valoy	237.72	2/17 10/76		7/13/76					
14798	10 Sol Hazan	237.44 226.	2/17/76		7/15/76					

SHOP RECORD

DIEBOLD FORM 573844 (82E2)

BEST COPY AVAILABLE

-2-

FIRM: GALAXY ADDRESS: 225 W. 36 St. ASS'N: NSM B.A.E.P. BR. 23

LEDG. #	NAME & ADDRESS	WAGES	JAN. IN	JAN. OUT	JULY IN	JULY OUT	JAN. 19___ IN	JAN. 19___ OUT	JULY IN	JULY OUT
21325	1 Renato Andretta [illegible]	251- ~~239.55~~	3/[illegible]/76		7/15/76					
20686	2 David Spitzer [illegible]	237.72 ~~226.~~	3/15/76	3/[illegible]/76	4/28/76		4/3?/76			
13762	3 Theodore Fastook 76 Rensen St. Bklyn 11201	242.25 ~~230.00~~	4/5/76		6/28/76					
8201a	4 Irving Kotler 2714 Debs Pl. Bx 10475	226.46	4/12/76		6/23/76					
26288	5 Tomas Rosario 10474 1291 Sheffield Ave Bx	237.72 ~~226.46~~	4/12/76		7/1/76					
15761	6 Albert Sublima 1725 Mayflower Bx 104[illegible]	237.72 ~~226.~~	4/26/76		6/24/76	7/23/76				
20294	7 Ralph Fintz 11235 3311 Shore Pkwy Brklyn	238- ~~226.~~	5/6/76		7/8/76	7/21/76				
11740	8 James Danna 165 Ave S Brklyn	237.72 ~~226.~~	4/28/76		7/4/76					
26223	9 Michael Monternarano [illegible]	237.72 ~~226.44~~	4/30/76		6/30/76					
21264	10 Jacob Lasher 21-21 83rd St [illegible]		5/5/76		7/2/76					

SHOP RECORD

DIEBOLD FORM 57264A (82CE)

-3-

FIRM: GALAXY ADDRESS: 225 W. 26 St. ASSN: NCM B.A. RP ER. 23

LEDG. #	NAME & ADDRESS	WAGES	JAN. 19 76 IN	JAN. 19 76 OUT	JULY IN	JULY OUT	JAN. 19 IN	JAN. 19 OUT	JULY IN	JULY OUT
17526	1 Emanuel Kaufman 123-40 83rd Ave.	237.22 ~~226.40~~	5/5 4/16		7/16					
26857	2 Pedro Figuarca 700 E 15th St	237.22 ~~226.40~~	5/5 4/16		7/3/76					
14998	3 Sol Schneider 17-07 Steinway Astoria	237.22 ~~226.40~~	5/5 4/16		7/6/76	7/23/76				
14973	4 Hyman Perrick 170-24 3 Ave Queens	226.	5/5 4/16	4/27/76						
14513	5 Nathan Berkowitz 57-40 156 St. Flushing	226.44	5/5 4/16	6/24/76						
25124	6 Morris Novack 122-33 83 Ave. Kew Gdns.	237.75	5/6 4/16	6/24/76						
10353	7 Irving Schtag 601 65 Ave Flushing	294.	7/2/76							
10114	8 San Martin 345 - 8 Ave. New York	300			7/6/76 7/16/76					
	9									
	10									

SHOP RECORD

DUPLO FORM 37284A (REV.)

JOINT AFFILIATION DIB

FIRM: VARIETY FROCKS ADDRESS: 1359 B'way ASS'N: B.A. BZ BR. 23

EDG.#	NAME & ADDRESS	WAGES	JAN. 1976 IN	JAN. 1976 OUT	JULY IN	JULY OUT	JAN. 19___ IN	JAN. 19___ OUT	JULY IN	JULY OUT
8315	1 Max Rapaport 11223 1211 Ocean Pkwy Bklyn	~~246.22~~ ~~234.50~~	1/5/76		7/21/76					
1195	2 Harry Goldberg 1231 Ocean Ave Brklyn	238.50	1/12/76	1/22/76						
4800	3 Harry Reich 5333 -- St Brooklyn	311.82 ~~296.~~	1/19/75		7/21/76					
6329	4 Pat Laurino Centereach 163 Hulse Blvd Rd. NY	234.50	1/26/76							
6161	5 Sam Dimartino 1114 92 St NO Bklyn NY	~~246.22~~ ~~234.50~~	1/28/76		7/21/76					
5777	6 Raymond Cabel 299 Bergen St Brklyn	246.22 ~~234.50~~	1/29/76		7/21/76					
0288	7 Tomas Rosario 10463 391 Bradford Ave Bx 1549	234.50	3/23/76	3/27/76						
	8									
	9									
	10									

CP RECORD

DIEBOLD FORM 57264A(82E2)

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

LOCAL 10 I.L.G.W.U.

218 WEST 40th STREET NEW YORK, N.Y. 10018 • AREA CODE 212 695-0850

ABE DOLGEN
Manager-Sec'y

WILLIAM WEISS
Assistant Manager

NAT KLEIN
Sec'y-Executive Board

May 7, 1976

Dear Brother:

Please make every effort to attend the next
Membership Meeting of Local, 10, I.L.G.W.U.

President Sol C. Chaikin was invited to address this most important meeting and I am certain that every member will be most anxious to hear our President. The meeting will be held on:

MONDAY, MAY 17, 1976, at 6:30 P.M.

AT THE STATLER HILTON HOTEL
Terrace Room — Lobby Level
Seventh Avenue at 33rd Street
New York City

Having reached retirement age, Brother Abe Dolgen announced that he would retire as Manager-Secretary of Local 10 effective July 1, 1976.

Extensive consultations then ensued between the General Office of the ILGWU and the Executive Board and Officers of Local 10. A search committee was set up to consider possible candidates. Its recommendations and the opinions of everyone concerned were considered in great detail. Finally, the Executive Board and Officers of Local 10, in consultation with President Sol C. Chaikin, reached agreement upon a candidate: GERALD GROSSMAN, Manager of Local 40.

A few days ago, the Executive Board of Local 10 elected GERALD GROSSMAN as manager-Secretary of Local 10 effective July 1, 1976, to fill the vacancy caused by the retirement of Manager-Secretary Abe Dolgen.

At the meeting of May 17, 1976, the decision of the Executive Board will be reported to you for ratification.

Take special note of the date: **MONDAY, MAY 17, 1976.**

Please be prompt.

Fraternally yours,

Abe Dolgen

Abe Dolgen

Manager-Secretary

EXHIBIT 3

490

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

218 WEST 40th STREET NEW YORK, N.Y. 10018 • AREA CODE 212 695-0850

ABE DOLGEN
Manager-Sec'y

WILLIAM WEISS
Assistant Manager

NAT KLEIN
Sec'y-Executive Board

May 17, 1976

TO ALL MEMBERS OF LOCAL #10
EMPLOYED IN LOCAL 23-25 SHOPS

Dear Brother:

You are hereby notified to stop work at 3:00 P.M., Tuesday, May 25, 1976, to attend a special meeting to ratify the new agreement or to take any action deemed necessary. The meeting will be held at.

STATLER HILTON HOTEL
Grand Ballroom
7th Avenue & 32nd Street
New York City, N.Y.

I will render a complete report on these negotiations.

Please be prompt.

Fraternally yours,

Abe Dolgen
Manager-Secretary

AD;sw
opeiu-153

Exhibit 15(f)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------x

TOMAS ROSARIO, OVIDIO VEGA and RAY CABEL,

Plaintiffs,

-against-

AMALGAMATED LADIES' GARMENT CUTTERS' UNION, LOCAL 10 OF I.L.G.W.U. and INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO,

Defendants.

76 Civ. 3204 (CBM)

AFFIDAVIT

----------x

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

CARL DE ANGELIS, being duly sworn, deposes and says:

I am a rank and file member of Local 10, ILGWU, and am employed in the ladies' garment industry as a cutter.

I have been requested by Emil Schlesinger, Esq. to come to the office of Local 10 to read paragraphs 8, 9 and 10 of the Complaint in this action, and to give a statement under oath with respect to the allegations contained therein.

I deny that Local 10 failed to give its members adequate notice of the membership meeting of Local 10 which was to be held on November 24, 1975. I saw a notice of the meeting on the bulletin board in the offices of Local 10 from two to three weeks before November 24th.

I saw notices of the meeting in copies of "Justice," the publication of the International Ladies' Garment Workers' Union, in the issue of October 15-November 1, 1975, and the issue of November 15, 1975. I attended the meeting.

I deny that the membership meeting of Local 10 on November 24, 1975, or any other membership meeting of Local 10 that was held on that date or any other date was, and is ever, dominated by the incumbent officers of Local 10.

I deny that the Manager of Local 10 or anybody else "handpicked" me to nominate anyone to serve as a member of the Trial Committee to hear charges preferred by Dolgen against the three plaintiffs in this action.

I know nothing about what plaintiffs were charged with or of any prior proceedings held against them.

Of my own free will, at the membership meeting of Local 10 on November 24, 1975, I nominated Sam Boccasini to serve as a member of the Trial Committee. I am not "allied with the incumbent officials of Local 10 and biased against each of the plaintiffs because of plaintiffs' opposition to the officers."

(ss) Carl De Angelis

Sworn to before me
this 4th day of
August, 1976.

Notary

MICHAEL A. LAWRENCE
NOTARY PUBLIC, State of New York
No. 03-4500274
Qualified in Bronx County
Commission Expires March 30, 1978

Exhibit 15(g)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TOMAS ROSARIO, OVIDIO VEGA and RAY CABEL, Plaintiffs, -against- AMALGAMATED LADIES' GARMENT CUTTERS' UNION, LOCAL 10 OF I.L.G.W.U. and INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO, Defendants.	76 Civ. 3204 (CBM) AFFIDAVIT

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

MORRIS UPDEGROVE, being duly sworn, deposes and says:

I am a rank and file member of Local 10, ILGWU, and am employed in the ladies' garment industry as a cutter.

I have been requested by Emil Schlesinger, Esq. to come to the office of Local 10 to read paragraphs 8, 9 and 10 of the Complaint in this action, and to give a statement under oath with respect to the allegations contained therein.

I deny that Local 10 failed to give its members adequate notice of the membership meeting of Local 10 which was to be held on November 24, 1975. I saw a notice of the meeting on the bulletin board in the offices of Local 10 from two to three weeks before November 24th.

I saw notices of the meeting in copies of "Justice," the publication of the International Ladies' Garment Workers' Union, in the issue of October 15-November 1, 1975, and in the issue of November 15, 1975. I attended the meeting.

I deny that the membership meeting of Local 10 on November 24, 1975, or any other membership meeting of Local 10 that was held on that date or any other date was, and is ever, dominated by the incumbent officers of Local 10.

I deny that the Manager of Local 10 or anybody else "handpicked" me to nominate anyone to serve as a member of the Trial Committee to hear charges preferred by Dolgen against the three plaintiffs in this action.

I know nothing about what plaintiffs were charged with or of any prior proceedings held against them.

Of my own free will, at the membership meeting of Local 10 on November 24, 1975, I nominated Flemmie Adams to serve as a member of the Trial Committee. I am not "allied with the incumbent officials of Local 10 and biased against each of the plaintiffs because of plaintiff's opposition to the officers."

(ss) Morris Updegrove

Sworn to before me
this 4th day of
August, 1976.

Notary

MICHAEL A. LAWRENCE
NOTARY PUBLIC, State of New York
No. 03-4500274
Qualified in Bronx County
Commission Expires March 30, 1978

Exhbiti 15(h)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TOMAS ROSARIO, OVIDIO VEGA and RAY CABEL, Plaintiffs, -against- AMALGAMATED LADIES' GARMENT CUTTERS' UNION, LOCAL 10 OF I.L.G.W.U. and INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO, Defendants.	76 Civ. 3204 (CBM) AFFIDAVIT

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

SAM BOCCASINI, being duly sworn, deposes and says:

I am a rank and file member of Local 10, ILGWU, and am employed in the ladies' garment industry as a cutter.

I have been requested by Emil Schlesinger, Esq. to come to the office of Local 10 to read paragraphs 8, 9 and 10 of the Complaint in this action, and to give a statement under oath with respect to the allegations contained therein.

I was nominated by Carl De Angelis at the membership meeting of November 24, 1975, which I attended, to serve as a member of the Trial Committee to hear charges preferred by Dolgen against the three members of Local 10 who are plaintiffs in this action, and had no knowledge in advance that I would be nominated.

I knew nothing of what plaintiffs were charged with or of any prior proceedings held against them.

I deny that Local 10 failed to give its members adequate notice of the membership meeting of Local 10 which was to be held on November 24, 1975. I saw a notice of the meeting on the bulletin board in the offices of Local 10 from two to three weeks before November 24th. I saw notices of the meeting in a copy of "Justice," the publication of the International Ladies' Garment Workers' Union, in the issue of October 15-November 1, 1975, and in the issue of November 15, 1975. I attended the meeting.

I deny that the membership meeting of Local 10 on November 24, 1975, or any other membership meeting of Local 10 that was held on any other date was ever dominated by the incumbent officers of Local 10.

I deny that the Manager of Local 10 or anybody else "handpicked" me to serve as a member of the Trial Committee to hear charges preferred by Dolgen against the three plaintiffs in this action.

Of my own free will, I accepted the nomination at the membership meeting of Local 10 on November 24, 1975, to serve as a member of the Trial Committee to hear charges preferred by Dolgen against the three plaintiffs in this action.

I had no knowledge in advance that I would be nominated. I was overwhelmingly elected at the meeting to serve as a member of the Trial Committee.

(ss) SAM BOCCASINI

Sworn to before me
this 4th day of
August 1976.

Notary

MICHAEL A. LAWRENCE
NOTARY PUBLIC, State of New York
No. 03-4600274
Qualified in Bronx County
Commission Expires March 30, 1978

Exhibit 15(i)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TOMAS ROSARIO, OVIDIO VEGA and RAY CABEL,

Plaintiffs,

-against-

AMALGAMATED LADIES' GARMENT CUTTERS' UNION, LOCAL 10 OF I.L.G.W.U. and INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO,

Defendants.

76 Civ. 3204 (CBM)

AFFIDAVIT

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

MURRAY EDWIN, being duly sworn, deposes and says:

I am a rank and file member of Local 10, ILGWU, and am employed in the ladies' garment industry as a cutter.

I have been requested by Emil Schlesinger, Esq. to come to the office of Local 10 to read paragraphs 8, 9 and 10 of the Complaint in this action, and to give a statement under oath with respect to the allegations contained therein.

I was nominated by Abe Melnick at the membership meeting of November 24, 1975, which I attended, to serve as a member of the Trial Committee to hear charges preferred by Dolgen against the three members of Local 10 who are plaintiffs in this action, and had no knowledge in advance that I would be nominated.

I knew nothing of what plaintiffs were charged with or of any prior proceedings held against them.

I deny that Local 10 failed to give its members adequate notice of the membership meeting of Local 10 which was to be held on November 24, 1975. I saw a notice of the meeting on the bulletin board in the offices of Local 10 from two to three weeks before November 24th. I saw notices of the meeting in a copy of "Justice," the publication of the International Ladies' Garment Workers' Union, in the issue of October 15-November 1, 1975, and in the issue of November 15, 1975. I attended the meeting.

I deny that the membership meeting of Local 10 on November 24, 1975, or any other membership meeting of Local 10 that was held on any other date was ever dominated by the incumbent officers of Local 10.

I deny that the Manager of Local 10 or anybody else "handpicked" me to serve as a member of the Trial Committee to hear charges preferred by Dolgen against the three plaintiffs in this action.

Of my own free will, I accepted the nomination at the membership meeting of Local 10 on November 24, 1975, to serve as a member of the Trial Committee to hear charges preferred by Dolgen against the three plaintiffs in this action.

I had no knowledge in advance that I would be nominated. I was overwhelmingly elected at the meeting to serve as a member of the Trial Committee.

(ss) Murray Edwin

Sworn to before me
this 5th day of
August 1976.

Notary

MICHAEL A. LAWRENCE
NOTARY PUBLIC, State of New York
No. 03-4600274
Qualified in Bronx County
Commission Expires March 30, 1978

Exhibit 15(j)

JA 347

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TOMAS ROSARIO, OVIDIO VEGA and RAY CABEL,

Plaintiffs,

-against-

AMALGAMATED LADIES' GARMENT CUTTERS' UNION, LOCAL 10 OF I.L.G.W.U. and INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO,

Defendants.

76 Civ. 3204 (CBM)

AFFIDAVIT

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

JERRY SEIDBAND, being duly sworn, deposes and says:

I am a rank and file member of Local 10, ILGWU, and am employed in the ladies' garment industry as a cutter.

I have been requested by Emil Schlesinger, Esq. to come to the office of Local 10 to read paragraphs 8, 9 and 10 of the Complaint in this action, and to give a statement under oath with respect to the allegations contained therein.

I was nominated by Harold Buchler at the membership meeting of November 24, 1975, which I attended, to serve as a member of the Trial Committee to hear charges preferred by Dolgen against the three members of Local 10 who are plaintiffs in this action, and had no knowledge ih advance that I would be nominated.

I knew nothing of what plaintiffs were charged with or of any prior proceedings held against them.

I deny that Local 10 failed to give its members adequate notice of the membership meeting of Local 10 which was to be held on November 24, 1975. I saw a notice of the meeting on the bulletin board in the offices of Local 10 from two to three weeks before November 24th. I saw notices of the meeting in a copy of "Justice," the publication of the International Ladies' Garment Workers' Union, in the issue of October 15-November 1, 1975, and in the issue of November 15, 1975. I attended the meeting.

I deny that the membership meeting of Local 10 on November 24, 1975, or any other membership meeting of Local 10 that was held on any other date was ever dominated by the incumbent officers of Local 10.

I deny that the Manager of Local 10 or anybody else "handpicked" me to serve as a member of the Trial Committee to hear charges preferred by Dolgen against the three plaintiffs in this action.

Of my own free will, I accepted the nomination at the membership meeting of Local 10 on November 24, 1975, to serve as a member of the Trial Committee to hear charges preferred by Dolgen against the three plaintiffs in this action.

I had no knowledge in advance that I would be nominated. I was overwhelmingly elected at the meeting to serve as a member of the Trial Committee.

(ss) Jenny Seidband

Sworn to before me
this 5th day of
August 1976.

Notary

MICHAEL A. LAWRENCE
NOTARY PUBLIC, State of New York
No. 03-4500274
Qualified in Bronx County
Commission Expires March 30, 1978

Exhibit 15(k)

JA 349

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------x

TOMAS ROSARIO, OVIDIO VEGA and RAY CABEL,

Plaintiffs,

-against-

AMALGAMATED LADIES' GARMENT CUTTERS' UNION, LOCAL 10 OF I.L.G.W.U. and INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO,

Defendants.

----------x

76 Civ. 3204 (CBM)

AFFIDAVIT

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

HAROLD BUCHLER, being duly sworn, deposes and says:

I am a rank and file member of Local 10, ILGWU, and am employed in the ladies' garment industry as a cutter.

I have been requested by Emil Schlesinger, Esq. to come to the office of Local 10 to read paragraphs 8, 9 and 10 of the Complaint in this action, and to give a statement under oath with respect to the allegations contained therein.

I deny that Local 10 failed to give its members adequate notice of the membership meeting of Local 10 which was to be held on November 24, 1975. I saw a notice of the meeting on the bulletin board in the offices of Local 10 from two to three weeks before November 24th.

I saw notices of the meeting in copies of "Justice," the publication of the International Ladies' Garment Workers' Union, in the issue of October 15-November 1, 1975, and the issue of November 15, 1975. I attended the meeting.

I deny that the membership meeting of Local 10 on November 24, 1975, or any other membership meeting of Local 10 that was held on that date or any other date was, and is ever, dominated by the incumbent officers of Local 10.

I deny that the Manager of Local 10 or anybody else "handpicked" me to nominate anyone to serve as a member of the Trial Committee to hear charges preferred by Dolgen against the three plaintiffs in this action.

I know nothing about what plaintiffs were charged with or of any prior proceedings held against them.

Of my own free will, at the membership meeting of Local 10 on November 24, 1975, I nominated Jerry Seidband to serve as a member of the Trial Committee. I am not "allied with the incumbent officials of Local 10 and biased against each of the plaintiffs because of plaintiff's opposition to the officers."

(S) HAROLD L BUCHLER

Sworn to before me
this 5th day of
August 1976.

Notary

CARMEN E. MALDONADO
Notary Public State of New York
No. 4616797
Qualified in Kings County
Commission Expires March 30, 1977

Exhibit 15(1)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------x

TOMAS ROSARIO, OVIDIO VEGA and RAY CABEL,

Plaintiffs,

-against-

AMALGAMATED LADIES' GARMENT CUTTERS' UNION, LOCAL 10 OF I.L.G.W.U. and INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO,

Defendants.

----------x

76 Civ. 3204 (CBM)

AFFIDAVIT

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

IRVING TRESHANSKY, being duly sworn, deposes and says:

I am a rank and file member of Local 10, ILGWU, and am employed in the ladies' garment industry as a cutter.

I have been requested by Emil Schlesinger, Esq. to come to the office of Local 10 to read paragraphs 8, 9 and 10 of the Complaint in this action, and to give a statement under oath with respect to the allegations contained therein.

I deny that Local 10 failed to give its members adequate notice of the membership meeting of Local 10 which was to be held on November 24, 1975. I saw a notice of the meeting on the bulletin board in the offices of Local 10 from two to three weeks before November 24th.

I saw notices of the meeting in copies of "Justice," the publication of the International Ladies' Garment Workers' Union, in the issue of October 15-November 1, 1975, and the issue of November 15, 1975. I attended the meeting.

I deny that the membership meeting of Local 10 on November 24, 1975, or any other membership meeting of Local 10 that was held on that date or any other date was, and is ever, dominated by the incumbent officers of Local 10.

I deny that the Manager of Local 10 or anybody else "handpicked" me to nominate anyone to serve as a member of the Trial Committee to hear charges preferred by Dolgen against the three plaintiffs in this action.

I know nothing about what plaintiffs were charged with or of any prior proceedings held against them.

Of my own free will, at the membership meeting of Local 10 on November 24, 1975, I nominated Dave Sirota to serve as a member of the Trial Committee. I am not "allied with the incumbent officials of Local 10 and ... biased against each of the plaintiffs because of plaintiff's opposition to the officers."

(ss) Irving Treshansky

Sworn to before me
this 5th day of
August, 1976.

Notary

MICHAEL A. LAWRENCE
NOTARY PUBLIC, State of New York
No. 03-4300274
Qualified in Bronx County
Commission Expires March 30, 1978

Exhibit 15(m)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------x

TOMAS ROSARIO, OVIDIO VEGA and RAY CABEL,

Plaintiffs,

-against-

AMALGAMATED LADIES' GARMENT CUTTERS' UNION, LOCAL 10 OF I.L.G.W.U. and INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO,

Defendants.

----------x

76 Civ. 3204 (CBM)

AFFIDAVIT

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

JERRY SELTERMAN, being duly sworn, deposes and says:

I am a rank and file member of Local 10, ILGWU, and am employed in the ladies' garment industry as a cutter.

I have been requested by Emil Schlesinger, Esq. to come to the office of Local 10 to read paragraphs 8, 9 and 10 of the Complaint in this action, and to give a statement under oath with respect to the allegations contained therein.

I deny that Local 10 failed to give its members adequate notice of the membership meeting of Local 10 which was to be held on November 24, 1975. I saw a notice of the meeting on the bulletin board in the offices of Local 10 from two to three weeks before November 24th.

I saw notices of the meeting in copies of "Justice," the publication of the International Ladies' Garment Workers' Union, in the issue of October 15-November 1, 1975, and the issue of November 15, 1975. I attended the meeting.

I deny that the membership meeting of Local 10 on November 24, 1975, or any other membership meeting of Local 10 that was held on that date or any other date was, and is ever, dominated by the incumbent officers of Local 10.

I deny that the Manager of Local 10 or anybody else "handpicked" me to nominate anyone to serve as a member of the Trial Committee to hear charges preferred by Dolgen against the three plaintiffs in this action.

I know nothing about what plaintiffs were charged with or of any prior proceedings held against them.

Of my my own free will, at the membership meeting of Local 10 on November 24, 1975, I nominated Dave Mittleman to serve as a member of the Trial Committee. I am not "allied with the incumbent officials of Local 10 and biased against each of the plaintiffs because of plaintiffs' opposition to the officers."

(ss) Jerry Seltzman (Julius)

Sworn to before me
this 5th day of
August 1976.

Notary

MICHAEL A. LAWRENCE
NOTARY PUBLIC, State of New York
No. 03-4600274
Qualified in Bronx County
Commission Expires March 30, 1978

Exhibit 15(n)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------x

TOMAS ROSARIO, OVIDIO VEGA and RAY CABEL,

Plaintiffs,

-against-

AMALGAMATED LADIES' GARMENT CUTTERS' UNION, LOCAL 10 OF I.L.G.W.U. and INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO,

Defendants.

76 Civ. 3204 (CBM)

AFFIDAVIT

----------x

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

DAVE SIROTA, being duly sworn, deposes and says:

I am a rank and file member of Local 10, ILGWU, and am employed in the ladies' garment industry as a cutter.

I have been requested by Emil Schlesinger, Esq. to come to the office of Local 10 to read paragraphs 8, 9 and 10 of the Complaint in this action, and to give a statement under oath with respect to the allegations contained therein.

I was nominated by Irving Treshansky at the membership meeting of November 24, 1975, which I attended, to serve as a member of the Trial Committee to hear charges preferred by Dolgen against the three members of Local 10 who are plaintiffs in this action, and had no knowledge in advance that I would be nominated.

I knew nothing of what plaintiffs were charged with or of any prior proceedings held against them.

I deny that Local 10 failed to give its members adequate notice of the membership meeting of Local 10 which was to be held on November 24, 1975. I saw a notice of the meeting on the bulletin board in the offices of Local 10 from two to three weeks before November 24th. I saw notices of the meeting in a copy of "Justice," the publication of the International Ladies' Garment Workers' Union, in the issue of October 15-November 1, 1975, and in the issue of November 15, 1975. I attended the meeting.

I deny that the membership meeting of Local 10 on November 24, 1975, or any other membership meeting of Local 10 that was held on any other date was ever dominated by the incumbent officers of Local 10.

I deny that the Manager of Local 10 or anybody else "handpicked" me to serve as a member of the Trial Committee to hear charges preferred by Dolgen against the three plaintiffs in this action.

Of my own free will, I accepted the nomination at the membership meeting of Local 10 on November 24, 1975, to serve as a member of the Trial Committee to hear charges preferred by Dolgen against the three plaintiffs in this action.

I had no knowledge in advance that I would be nominated. I was overwhelmingly elected at the meeting to serve as a member of the Trial Committee.

(SS) DAVE SIROTA

Sworn to before me
this 5th day of
August 1976.

Notary

MICHAEL A. LAWRENCE
NOTARY PUBLIC, State of New York
No. 03-4500274
Qualified in Bronx County
Commission Expires March 30, 1978

Exhibit 15(o)

JA 357

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------x

TOMAS ROSARIO, OVIDIO VEGA and RAY CABEL,

Plaintiffs,

-against-

AMALGAMATED LADIES' GARMENT CUTTERS' UNION, LOCAL 10 OF I.L.G.W.U. and INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO,

Defendants.

----------x

76 Civ. 3204 (CBM)

AFFIDAVIT

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

ABE HOFFMAN, being duly sworn, deposes and says:

I am a rank and file member of Local 10, ILGWU, and am employed in the ladies' garment industry as a cutter.

I have been requested by Emil Schlesinger, Esq. to come to the office of Local 10 to read paragraphs 8, 9 and 10 of the Complaint in this action, and to give a statement under oath with respect to the allegations contained therein.

I deny that Local 10 failed to give its members adequate notice of the membership meeting of Local 10 which was to be held on November 24, 1975. I saw notice of the meeting on the bulletin board in the offices of Local 10 from two to three weeks before November 24th.

I saw notices of the meeting in copies of "Justice," the publication of the International Ladies' Garment Workers' Union, in the issue of October 15-November 1, 1975, and the issue of November 15, 1975. I attended the meeting.

I deny that the membership meeting of Local 10 on November 24, 1975, or any other membership meeting of Local 10 that was held on that date or any other date was, and is ever, dominated by the incumbent officers of Local 10.

I deny that the Manager of Local 10 or anybody else "handpicked" me to nominate anyone to serve as a member of the Trial Committee to hear charges preferred by Dolgen against the three plaintiffs in this action.

I know nothing about what plaintiffs were charged with or of any prior proceedings held against them.

Of my own free will, at the membership meeting of Local 10 on November 24, 1975, I nominated Harold Brodsky to serve as a member of the Trial Committee. I am not "allied with the incumbent officials of Local 10 and biased against each of the plaintiffs because of plaintiffs' opposition to the officers."

(s) Abe Hoffman

Sworn to before me
this 5th day of
August 1976.

Notary
CARMEN E. MALDONADO
Notary Public State of New York
No. 4616797
Qualified in Kings County
Commission Expires March 30, 1977

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TOMAS ROSARIO, OVIDIO VEGA and RAY CABEL, Plaintiffs, -against- AMALGAMATED LADIES' GARMENT CUTTERS' UNION, LOCAL 10 OF I.L.G.W.U. and INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO, Defendants.	76 Civ. 3204 (CBM) AFFIDAVIT

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

ABE MELNICK, being duly sworn, deposes and says:

I am a rank and file member of Local 10, ILGWU, and am employed in the ladies' garment industry as a cutter.

I have been requested by Emil Schlesinger, Esq. to come to the office of Local 10 to read paragraphs 8, 9 and 10 of the Complaint in this action, and to give a statemeht under oath with respect to the allegations contained therein.

I deny that Local 10 failed to give its members adequate notice of the membership meeting of Local 10 which was to be held on November 24, 1975. I saw a notice of the meeting on the bulletin board in the offices of Local 10 from two to three weeks before November 24th.

I saw notices of the meeting in copies of "Justice," the publication of the International Ladies' Garment Workers' Union, in the issue of October 15-November 1, 1975, and the issue of November 15, 1975. I attended the meeting.

I deny that the membership meeting of Local 10 on November 24, 1975, or any other membership meeting of Local 10 that was held on that date or any other date was, and is ever, dominated by the incumbent officers of Local 10.

I deny that the Manager of Local 10 or anybody else "handpicked" me to nominate anyone to serve as a member of the Trial Committee to hear charges preferred by Dolgen against the three plaintiffs in this action.

I know nothing about what plaintiffs were charged with or of any prior proceedings held against them.

Of my own free will, at the membership meeting of Local 10 on November 24, 1975, I nominated Murray Edwin to serve as a member of the Trial Committee. I am not "allied with the incumbent officials of Local 10 and biased against each of the plaintiffs because of plaintiff's opposition to the officers."

(ss) Abe Melnick

Sworn to before me
this 5th day of
August 1976.

Notary

MICHAEL A. LAWRENCE
NOTARY PUBLIC, State of New York
No. 03-4500274
Qualified in Bronx County
Commission Expires March 30, 1978

Exhibit 16(a)

BEST COPY AVAILABLE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TOMAS ROSARIO, OVIDIO VEGA and RAY CABEL,

Plaintiffs, 76 Civ. 3204 (CBM)

-against-

AMALGAMATED LADIES' GARMENT CUTTERS' UNION, LOCAL 10 OF I.L.G.W.U., et al.,

Defendants.

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

RAYMOND CABEL, being duy sworn, deposes and says:

1. I am one of the plaintiffs herein and am fully familiar with the facts and proceedings recounted herein. I make this affidavit in opposition to defendants' motion for summary judgment.

2. I have read the affidavit of DAVID SPITZER, sworn to this date (August 21, 1976), which is annexed hereto. Everything said therein is true to my own knowledge. In order not to burden the Court with repetitive and over-bulky papers, therefore, I will not in this affidavit go over the same ground that is covered by Mr. SPITZER's affidavit. Instead, I will recount certain matters peculiarly within my own knowledge.

3. At membership meetings of Local 10, the membership is not permitted to bring up new business or to initiate matters. There is no agenda. However, the Secretary reads the minutes of previous membership and executive board meetings and members are allowed to speak "on" those minutes: i.e., to make corrections, etc. This is the one opportunity that ordinary members are given to voice their views, arguments and opinions at membership meetings.

4. Prior to the November 24, 1975 meeting, I made notes as to matters which I would seek to talk about at that meeting by asking to speak on the minutes of the previous meeting. I knew

that those minutes would contain reference tothe previous trials of the three plaintiffs in this case -- Messrs. Rosario, Vega and myself -- and to the direction from the ILGWU's General Executive Board that a new trial be held. Accordingly, I prepared myself to speak about those trials and to demand a secret ballot vote for members of the Trial Committee. At a brief meeting before the membership meeting, with Messrs. Rosario, Vega and Spitzer, I so advised them.

5. After the SEcretary had read the letter from the ILGWU's General Executive Board, directing a new trial, which were treated as minutes of the executive board, the opportunity to speak occurred. Plaintiff ROSARIO asked for and was given the floor and he read a statement protesting the Local's failure to give adequate publicity or notice to the memberhsip of the meeting date. I then asked for the floor and upon being recognized went to the microphone, at the front of the hall. Within seconds however, the microphone was turned off and numerous people shouted that I was out of order, and should sit down. I recognized several of these persons to be political associates of Manager Abe Dolgen. In the few second allowed me, I had attempted to say that the past trials had been a farce. The microphone was shut off but I attempted to continue talking. I said that in order that the new trial not be a farce, the Trial Committee should be elected by secret ballot, and I asked for such a secret ballot. However, I was speaking into a dead microphone. The mitrophone was thereafter taken from me, ~~and I was compelled to sit down~~ remained standing.

6. At the November 24, 1975 membership meeting, there were barely 130 members present. I made a count myself, of all persons present including the officers on the dais and arrived at roughly that figure. The usual meeting turnout is much larger, coming as a rule to between 400 and 600. I had never seen so small a membership meeting of Local 10. I know that no notice was posted on the Local's bulletin board until approximately a week before the meeting. During that period I was [illegible]

to the Local's hiring hall. Each time I went there, I studied the bulletin board, which is located directly in front of the elevators on the seventh floor, where the hiring hall is located. I recall that the first time I saw the notice for the November 24, 1975 meeting was a week before that date.

7. Normally, notice of Local 10 membership meetings are published in Justice, the ILGWU's newspaper, next to what is headlined "Cutters Column," a column dealing with Local 10 matters. Also, more than a month before the meeting date, as a rule, notice is posted on the bulletin board. Of the two, the posting on the bulletin board is more reliable and is more widely noted by members. On at least one occasion, the date published in Justice was incorrect.

8. As to the November 24, 1975 meeting, notice was published in Justice but the November 15, 1975 issue of the newspaper -- the issue last preceding the meeting date -- there was no "Cutters' Column." Hence the notice appeared on a page in which the other matter had nothing to do with Local 10. And, as I have noted, no notice appeared on Local 10's bulletin board until a week before the meeting date itself. Such late posting could only have been deliberate.

9. I would like to emphasize a point made in Mr. SPITZER's affidavit, namely that the Trial Committee did not, at any time, advise us that we could enter the room to which they went, after they had left the original trial room, to attend our trial. Instead, everything they said and all their actions indicated that we were barred and excluded from the trial. The Chairman, Mr. Mittleman, had said that they would conduct the trial without us and this is exactly what the proceeded to do. The room they went to -- an office used by two Local 10 business agents -- was kept permanently locked. And I noticed, as did Mr. SPITZER, that in order to open it from the outside a key was necessary.

10. At all times in the course of our trial proceedings, all three of the plaintiffs have acted with decorum and in an orderly manner. We have not been disruptive at any time. We have not obstructed nor sought to obstruct any proceedings. We have not shouted or interrupted anyone. When instructed to be silent we have become silent.

11. In insisting, as we have, upon our right to make a record of the trial and appeal proceedings, we have been insisting upon a right impliedly guaranteed by ILGWU's own constitution to a fair trial and appeal. Nothing in the ILGWU's constitution or in any rule or regulation made thereunder limits in any way the right of an accused member to make whatever record, by whatever means he chooses, of any or all trial or appeal proceedings. And nothing in the ILGWU constitution or in any rule or regulation made thereunder authorizes any Trial or Appeal Committee to limit such right. Quite the contrary. Article 21, Section 1(a) of the ILGWU Constitution provides that no member shall be censured, fined, suspended, expelled or otherwise disciplined without a fair opportunity to present a defense except insofar as the Constitution itself exlewhere provides for automatic fine, suspension, etc.

12. At the appeal hearing, from the third trial, the Appeal Committee Chairman cited Article 22, Section 2 of the ILGWU Constitution (which requires the filing of the minutes of trials and appeals in the union's offices) as meaning that "the only official record of the Trial or Appeal Committee are the minutes kept by the Secretary and no other method is provided." A discussion ensued, in which it plainly appeared that by "provided" he implied "permitted;" and that he interpreted the constitution to mean that no member may take any notes, minutes or other record of of proceedings but must entrust himself solely to the "official" record. After the discussion had proceeded for some time, he explained that no sdch notes were necessary, because the "official" minutes of the appeal hearing would be made availabe to the plaintiffs and [illegible] will have the right to

correct the minutes, if you find they are wrong...." Plaintiff ROSARIO asked him how we could correct or point out errors in those minutes if we did not have our own record to compare them with. He did not answer; he did not, in fact, say anything at all in response. Instead, the Committee members whispered among themselves and then asked everyone to excuse the Committee. Everyone other than the Committee members left the room and a few minutes later were called back. But still the Chairman did not reply to ROSARIO's question. Instead, he announced that the Appeal Committee would proceed only "based on the minutes of the secretary of this committee." JOHN KURTZ, lay counsel for plaintiffs, replied that we were present, prepared for the hearing in compliance with their notice. He was cut off, however, by the Chairman who announced that the meeting was adjourned.

13. At the appeal hearing, as at prior hearings, the three plaintiffs and their lay counsel were polite and decorous. We sought to protect our rights. We did not, in fact, refuse to turn off our tape recorder. Instead, we argued for our right to make a record. And when the Committee had no answer to our arguments, it simply adjourned the hearing.

14. I note that in the affidavits of NAT KLEIN and ISRAEL MECHLOWITZ, it is suggested that (a) Rosario and I "broke into" the February 9, 1976 membership meeting; and that (b) we could have come to two Special Membership Meetings held on May 7 and May 25, 1976. As to (a): we did not "break into" that or any other meeting. We went to the door and spoke to the Sergeant at Arms. Though he told us that he had been instructed to the effect that we were not allowed in, when we questioned him he turned out to be unclear as to whether we were or were not allowed. He told us he would let us in. We therefore entered peacefully, in full sight of the Sergeant at Arms. However, when plaintiff ROSARIO later asked for the floor at the meeting, the Chairman announced to the membership that we were not allowed; and Mr. NAT KLEIN

thereupon read to the membership a lengthy portion of the Trial Committee's decision. As to (b): the decision of the Trial Committee, and what we were officially told at the February 9, 1976 membership meeting, indicates to us that we are barred from attending all membership meetings, "Special" ones as well as "Regular" ones. The fact that Mr. MECHLOWITZ sent us the ordinary mailings announcing these meetings does not mean anything; as his affidavit (and exhibit 3 to it) indicate, he also sent us the mailing announcing the May 17, 1976 regular membership meeting -- and surely Mr.KLEIN and Mr. MECHLOWITZ would agree that the decision barred us from attending it. At any rate, if we were not meant to be barred from the two "Special" meetings, neither Mr. KLEIN nor MECHLOWITZ told us of that intention. We believed, based on the plain language of the decision add of what we were told at the February 9, 1976 meeting, that we were barred.

15. The next membership meeting is scheduled for September 20, 1976. It will be next to the last membership meeting before nominations are held in January 1977 for union office. Since all three plaintiffs intend to run for office in the ensuing election, to bar us from the two meetings preceeding it will deny us valuable democratic rights. It should be noted, from Exhibit 3 to Mr. MECHLOWITZ's affidavit, how little say the membership of Local 10 is allowed in the selection of their own top officers. The choice of the ILGWU's top officers chose the Manager and, at the May 17, 1976 meeting, "reported" it to the memberhsip for "ratification." Still, what few rights we, as members have, are all the more valuable because they are so few. We, the plaintiffs, were not allowed to vote in the "ratification" of the Manager selected by the top bureaucrats; if we are barred from further meetings we will be effectively barred form the electoral process as well.

WHEREFORE, deponent prays that defendants' motion for

summary judgment be denied.

Raymond Cabel

RAYMOND CABEL

Sworn to before me this

23rd day of August, 1976

Notary Public, State of New York

Qualified in [illegible]

Commission Expires March 30, 1977

Exhibit 16(b)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TOMAS ROSARIO, OVIDIO VEGA and RAY CABEL,

76 Civ. 3204 (CBM)

Plaintiffs,

-against-

AMALGAMATED LADIES' GARMENT CUTTERS' UNION, LOCAL 10 OF I.L.G.W.U., et al.,

Defendants.

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

DAVID SPITZER, being duly sworn, deposes and says:

1. I am a garment cutter and have been a member of defendant Local 10 since 1960. I am fully familiar with the facts and proceedings recounted herein.

2. At each of the union trials and appeals of the plaintiffs, Tomas Rosario, Ovidio Vegaand Ray Cabel, I have acted as law counsel or representative of the three, together with a fellow member, John Kurtz. On each of the union trials and appeals, the three plaintiffs insisted upon their right to make a record of the proceedings. I know of my own knowledge, from study of the ILGWU constitution, that nothing in the ILGWU constitution or any rules adopted thereunder bars or limits members from making such records.

3. However, while agreeing and believing that the three members did and do have the right, under the ILGWU Constitution, to make a record, by electronic tape or otherwise, of the proceedings, I did not myself bring with me a tape recorder to any of the proceedings involving the three plaintiffs, nor did my co-counsel, John Kurtz.

4. This fact appears to me significant in view of the assertions, made in the various affidavits submitted by defendants

on their motion for summary judgment, that plaintiffs were barred from attending their union trial only because of their (the plaintiffs') insistence upon recording the proceedings. Those assertions are refuted by the fact that Kurtz and I, plaintiffs' counsel, were also barred from attending the trial -- and neither of us had a tape recorder or any other recording device in his possession and neither of us was attempting to use any such recorder, even though we firmly defended the rights of the three accused members (plaintiffs here) to use such recorders. As a result of our exclusion from the trial, along with the exclusion of plaintiffs, the plaintiffs were denied the right to be represented at the trial.

5. At each trial -- and the three plaintiffs have now been subjected to three such trials on only one set of charges -- a member of the Trial Committee elected to be Secretary thereof was deputed to take notes. At the first trial, the Secretary having such duty was Mr. Nat Klein. Mr. Klein testified against the accused during the trial yet, while he was testifying, no other member of the Trial Committee (or anyone else) took over the job of taking notes. I noticed that during other long sections of the trial neither he nor anyone else was taking any notes at all At the second trial, another person was deputed to take notes. I noticed that during long and substantial periods of the trial, however, that neither the persons so deputed nor anyone else was taking any notes at all.

6. Throughout the period of the three trial proceedings and the appeals therefrom, the plaintiffs and their two lay counsel (Mr. Kurtz and myself) made repeated demands that we be furnished with copies of the official notes or minutes. We got a variety of replies, evasions, explanations, etc., but we never received copies of the notes, except as regards the third trial proceedings (the proceedings beginning December 18, 1975 and continuing in January 1976). At the first trial Mr. Kurtz asked

Mr. Nat Klein, the SEcretary, whether he was taking a true, verbatim set of minutes; Mr. Klein replied, "It is always a true set.' During the second trial, I asked the Secretary to read back a portion of the minutes; the Chairman, Harry Rosenberg, replied that "The portions ... is got to have edited, he is taking them in shorthand." In reality, it is my understanding and belief that the member taking those netes, Mr. Strickler, does not take shorthand and was not taking notes in shorthand. In fact, as I have noted above, for long periods of the trial he did not take any notes at all.

7. At the appeal hearing from the first trial, the minutes of that trial taken by Mr. Nat Klein were read to the accused by Mr. Lipsig, who asted as Secretary of the Appeal Committee. Comparing them with nymemory, and my own very recent study of the transcription of our own record taken by the accused at that trial, which refreshed my recollection, it was apparent to me that Mr. Klein's notes were inaccurate and jumbled. Moreover, I now have before me a transcription of the first part of what Mr. Lipsig read on that occasion and a transcription of what actually happened at the first trial, both of which refresh and accord with my memory, and it is apparent to me that the notes taken by Mr. Klein and read by Mr. Lipsig were inaccurate. And further, I recall that in the rest of what Mr. Lipsig read (though I have not transcription of it), the order of witnesses as reported was different from the actual order of witnesses at the first trial.

8. Further, Local 10 and the ILGWU have insisted, at least as regards the minutes of the first two trials, on preventing the accused members or their counsel from even looking at or seeing the minutes. At the appeal hearing from the first trial (there was no such hearing from the second), the minutes were read to the accused, not shown to them. And despite continued demands that we be furnished with copies thereof, ILGWU and Local 10 have refused to furnish them.

9. I was present at the Local 10 membership meeting of November 24, 1975, at which a trial committee was elected. The turnout was very small; I made a head count which indicated no mor than 130 persons present. As a rule, more than 400 members attend each quarterly memberhsip meeting. Certainly one of the reasons for the low turnout was the Local's failure to post a notice of the meeting date on the Local's bulletin board until barely a week before the meeting date. I studied the bulletin board regularly during the weeks preceding the meeting. I know from my own observation that not notice was posted there concerning the meeting until barely a week before the meeting. It is usual and customary to post the notice of the meeting and the meeting date six weeks prior to the meeting. For example: the next meeting is scheduled to be held September 20, 1976; notice was posted sometime inJuly 1976. I saw the notice when I went to the Local's offices on July 26, 1976, eight weeks prior to the meeting date. Although a notice appeared in the English-language edition of Justice which was mailed out in early November 1975 (concerning the November 24, 1975 meeting), many or most members rely upon the bulletin board for their notice of the meeting date.

10. Prior to the November 24, 1975 meeting, I met with the three plaintiffs. Plaintiff Ray Cabel advised me and plaintiffs Vega and Rosario that he would formally request, at the meeting, that voting be by secret ballot. It happens that members of the Local are allowed to speak only on the minutes of previous meetings; there is no place in the agenda at which they are allowed to speak on "new business," or matters newly raised by them. Plaintiff Rosario, however, after the minutes were read, was able to read a statement in which he protested the Local's failure to give adequate publicity for the meeting. Later, plaintiff Cabel gained the floor to discuss the charges and bat was ruled out of order on the ground that his remarks did not relate to the minutes that had been read. He (and plaintiffs generally) were thereby denied

an opportunity to demand a secret ballot, because as soon as the Chairman ruled Cabel out of order, the election of the Trial Committee proceeded.

11. It was apparent to me that the meeting was dominated by the Manager, Abe Dolgen, who sat on the dais, and that the selection of a trial committee was already determined. The members who did the nominating had cards in their hands which appeared to instruct them who to nominate. I would note further that, although the various members of the trial committee have produced affidavits prepared by Local 10's attorney stating that they were hand picked -- something that they are in no position to testify concerning -- no affidavit by Mr. Dolgen is included in defendant's papers, nor is any affidavit included of one of the nominators.

12. The (third) trial was scheduled for December 18, 1975. The three accused members appeared at the proper time and place, ready for trial, as did Mr. Kurtz and myself, their counsel. The Chairman of the Trial Committee read the charges, then William Harris, a Business Agent of Local 10 who appeared on behalf of Dolgen, objected that a tape recorder was in operation. Mr. Kurtz attempted to speak but was silenced; the Chairman, without having heard from the accused or their counsel, declared that the tape recorder should be removed. Mr. Kurtz again attempted to speak; he was ruled out of order. The Chairman then adjourned the hearing to January 8, 1976, over protests by Mr. Kurtz on behalf of the accused.

13. The accused members, together with Mr, Kurtz nd myself, appeared on January 8, 1976 at the appropriate time and place, ready for trial. Mr. Kurtz sought to read a statement but the Chairman refused to let him do so. The following dialogue took place:

ROSARIO: We have a statement, we have a statement, brother Chairman, we have, brother Chairman.

THE CHAIRMAN: We will, we, we will not open this meeting.

ROSARIO: Brother Chairman --

THE CHAIRMAN: This Trial Committee is not opening the hearing. We will convene in another room without you.

14. Rosario, Kurtz and myself made further efforts to be heard, or to make a statement, and to submit a statement, but each time we were silenced. The Chairman refused to accept any statement or to permit us to be heard at all. Instead the entire Trial Committee got up, walked out of the room, walked to a room that is used as the offices for two of Local 10's busines agents, and closed the door.

15. At no time did the Trial Committee Chairman, or anybody else, advise the accused, or myself, that they would or might be permitted to enter the other room, to attend the trial, if they came without the tape recorder. And although it was clear and obvious that neither Mr. Kurtz nor myself had a tape recorder, neither of us was told or advised that he could attend the hearing in the other room. Instead, the Chairman quite plainly stated that the hearing would be held in another room without us.

16. The further actions of the Trial Committee likewise refute the suggestion, now made by defendants in their motion papers, that either the accused or their lay counsel might have been allowed in the room where the actual trial was being conducted without a tape recorder. I know and knew, as did the others, that the door of that room locked automatically when closed. The doors of those rooms were always locked and a person desiring to enter had to either use a key or have it opened from the inside. (That condition has been changed since June 1976, when Dolgen resigned as Manager and was replaced by a person appointed by the International, namely a Mr. Grossman, who up to then was Manager of Beltmakers' Local 40.) Two members who had testified against the

accused at prior tirals sat on a bench outside the room. A member of the Trial Committee opened the door and called for one of them, Nat Roth, to come in; he held the door open while Mr. Roth entered. A few minutes later, Abe Dolgen, Local 10's Manager, left another office, and came to the Trial Committee's room. Using a key, he entered. Then a succession of other people came by. After Mr. Roth left, Business Agent Bernard Zionsky came to the room and, using a key, opened the door and entered. He left and Assistant Manager William Weiss came to the room and, using a key, entered it. He came out and spoke to Stanley Shaller, the other member who had been sitting on the bench. Shaller went to the door, knocked on it, and it was opened from the inside, allowing him to enter, which he did. He came out and Mr. Nat Klein arrived. Mr. Klein, using a key, opened the door and entered. He left and Business Representative Edward Postel arrived; using a key, Postel opened the door and entered. He was followed by Business Agent Marvin Glick who arrived and, using a key, entered. Thereafter, Dolgen, Harris and the Trial Committee came out of the room.

17. In summary, <u>every person</u> who entered the Trial Committee's room while the Trial Committee was there, either used a key to open the door or was allowed in by someone inside who opened it for him from the inside. It appeared to my observation that the door was plainly locked.

18. We observed all of the above, and observed also the Trial committee, leaving the room, walked into the original trial room (just outside of which we were standing), where they picked up their coats; they then went to the elevators and left. Although plaintiff Cabel spoke to one of them, none of the Trial Committee members aid anything to any of the accused or to Mr. Kurtz or myself.

19. In short, if Mr. Mittleman or any other Trial Committee member was entertaining inthe back of his mind the thought of allowing any of the accused or their counsel to attend the hearing

or to be heard, he kept it a strict secret from the accused and from their counsel. Every statement made by Mr. Mittleman and every action of his and of the Committee's indicated to me that we would not be permitted to attend the trial under any circumstances whatever.

David Spitzer
DAVID SPITZER

Sworn to before me this
21st day of August, 1976

BURTON H. HALL
Notary Public, State of New York
No. 24-4119745
Qualified in Kings County
Commission Expires March 30, 1977

meeting. During that period I was unable [illegible]

Exhibit 16(c)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TOMAS ROSARIO, OVIDIO VEGA AND RAY CABEL,

Plaintiffs,

76 Civ. 3204 (CBM)

-against-

AMALGAMATED LADIES' GARMENT CUTTERS' UNION, LOCAL 10 OF I.L.G.W.U., et al.,

Defendants.

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

TOMAS ROSARIO, being duly sworn, deposes and says:

1. I am one of the plaintiffs herein and am fully familiar with the facts and proceedings herein. I make this affidavit in opposition to defendants' motion for summary judgment herein.

2. First of all, I repeat and re-affirm what is said in my affidavit, sworn to July 8, 1976 and submitted in support of plaintiffs' motion for preliminary injunction. I ask that that affidavit be read by the Court, not only in support of plaintiffs' motion, but also in opposition to defendants' motion for summary judgment.

3. One error should be noted, however, At the end of my earlier affidavit I stated that two exhibits were annexed, to wit: plaintiffs' appeal from the Trial Committees' decision, and the Trial Committee's decision itself. Inadvertently, these were omitted. The decision itself is appended to Mr. BROLSKY's affidavit, as Exhibit "G", hence it need not, now, be annexed to this affidavit. But defendants have not seen fit to supply a copy of our appeal (though numerous letters relating to it are annexed to the affidavit of James Lipsig). Therefore, a copy of our appeal is annexed hereto.

4. Next, I have read the affidavit of RAYMOND CABEL

and of DAVIT SPITZER, annexed hereto. Everything stated in those affidavits is true to my own knowledge. Since I do not wish to burden the Court with repetitive or over-bulky matter, I will not go over the same ground. However, I affirm each statement contained in the CABEL and SPITZER affidavits.

5. There are two points that I would like to add, however. First, as to the date at which the notice of the November 24, 1975 meeting was first posted on Local 10's bulletin board. I was unemployed throughout November 1975 and therefore visited Local 10's offices every day, and sat in the room where unemployed members wait for job assignments (known informally as a hiring hall, though Local 10, in an apparent effort to avoid responsibility, denies that it is such). The bulletin board is situated directly in front of the front elevators on the seventh floor, where the hiring hall is located. I studied the bulletin board each day. Through November 17, 1975, the notice of the prior meeting, held September 24, 1975, remained posted. It was not until Tuesday, November 18, 1975, that I saw a notice for the November 24, 1975 meeting posted on the bulletin board.

6. I keep a small notebook, recording my visits to the Local, the names of each business agent that I speak to, etc. In my book, under November 17, 1975 (a Monday), I recorded the fact that the notice for the September meeting was still posted, and that there was no notice posted as yet for the November meeting. The notebook, with this (and other) entry is in my possession. It clearly indicates to me, and refreshes my recollection, that I studied the bulletin board on November 17, 1975 and that on that date the notice for the November meeting was still not posted.

7. It was based upon my study of the bulletin board each day that I made the statement a few days later, which I read to and submitted for the minutes of the November 24, 1975 membership meeting, protesting that the notice of the meeting had not been posted until November 17. Obviously, it could have been posted

made availabe to the plaintiffs and you will have the right to

at the end of the day, November 17, after I had studied the board.)

8. The "official" minutes of the meeting, attached to Mr. KLEIN's affidavit, record that "The Manager" answered my statement by asserting that the members were informed of that meeting in the same manner as for every other meeting. He did not make any such statement. Indeed, nobody at the meeting took issue with what I said in my statement.

9. Each time that the Trial Committee, or the Appeal Committee, or the other officers of ILGWU or Local 10, objected to our making a tape record of the proceedings, the excuse they gove was that the "official" minutes were being taken by the Secretary and that we were not permitted to make any minutes of our own. In short, they declared that we could not make any record by any means at all for our own use or protection.

10. In fact, the officials of ILGWU and Local 10 objected at least as vigorously to the prospect of our bringing a court reporter or competent stenographer with us as they did to our bringing a tape recorder. This issue came up orally at several of the hearings. Looking through my records, I come across a letter dated July 14, 1975, and mailed that date (according to the registry certificate) to James Lipsig, Secretary of the Appeal Committee, in which we recorded a dispute over the issue of minutes that had occurred at the first Appeal Committee hearing of May 21, 1975. Quoting a statement made by him at that earlier hearing, and taking issue with it, we added: "However, we take your statement to indicate that, were we to attend the hearing, we would be denied the right to record or transcribe proceedings." Neither Mr. Lipsig nor anyone else ever gave us any reason to doubt that that inference was correct.

11. Mr. NAT KLEIN has boldly stated, in two affidavits submitted to the Court, that Local 10 objects to the presence of a stenographer or court reporter at least as vigorously as it objects to the use of a tape recorder. He so stated in the affidavit,

sworn to by him on November 21, 1975 (page 22) and submitted in support of defendants' motion to dismiss in Rosario v. Dolgen, 75 Civ. 4632 (CBM); he states the same thing in his affidavit of Augsut 17, 1976, which he submits in support of defendants' present motion (page 21). What is most astonishing is that he makes this admission in his most recent affidavit only one page after having protested (page 20) that, in the earlier trial proceedings, "plaintiffs never requested that a competent stenographer, or any stenographer, ... record the proceedings...."

12. Obviously, since we knew that, were we to bring a court reporter or public stnographer with us, he or she would be prevented from functioning and would merely be insulted and sent away, it would have been pointless for us to go to the expense of hiring one and bringing him/her with us to the trial hearings. We stated that point clearly in the statement that we tried to submit at the December 18, 1975 hearing and which we submitted by mail, together with a letter dated December 22, 1975 (MITTLEMAN Affidavit Exhibit 4A). In that statement we said as clearly as we could:

> "At previous trials and appellate proceedings there has been no competent stenographer present and we have been denied the right to tape record the proceedings or to bring a competent stenographer with us. Since we have been denied such right, and expect to be denied the right to have a stenographer record the proceedings, we have not gone to the expense of hiring a stenographer on this occasion."

13. We did bring with us a tape recorder and offered to make a tape recording of the proceedings at our own expense. Had we been told that tapes were forbidden but we could bring a court reporter, we would have done so. But in fact we were told that we could not make <u>any record at all, by any means at all</u>.

14. Finally, the need for a reliable record has been borne in upon us throughout these proceedings. As Mr. SPITZER points out in his affidavit (para. 7), the minutes of the first trial, read to us by Mr. Lipsig at the appeal hearing, were at wide variance from the actual trial hearing. He relied on his memory of the hearing itself, and his then-recent review of the transcription of

our own record (plus a present comparison of a transcript of the first part of what Mr. Lipsig read with the transcription of our own record). I can go further. Although we did not record the rest of what Mr. Lipsig read to us, I had the transcription of the trial proceeding before me while Mr. Lipsig was reading the "official" minutes. And the "official" minutes, as read by Mr. Lipsig (we were not allowed to see them ourselves) were at wide variance from what actually had happened: witnesses were reported in the wrong order, testimony that was never in fact given was "officially" recorded, etc.

15. Faced with an "official" record which is falsified and distored as these "official" minutes have been, it was and is clear to us that we needed, and need, our own record of what actually happens at any trial hearing in which we take part. It is simply too easy for the officials -- and they are too strongly inclined -- to put into the minutes false admissions and other statements that, if we had no independent record of our own, could be used to frame us up on any charges that the officials might invent.

WHEREFORE, your deponent prays that defendants' motion for summary judgment be denied.

Tomas Rosario

TOMAS ROSARIO

Sworn to before me this
23nd day of August, 1976

Notary Public, State of New York
Qualified in [illegible] County
Commission Expires March 30, 1977.

Tomas Rosario
1291 Spofford Ave., Apt. 6B
Bronx, N.Y., 10474

JA 381

February 7, 1976

GEB Appeal Committee
Int'l Ladies' Gar ent Workers' Union
1710 Broadway
New York, N.Y., 10019

RE: Appeal of Tomas Ros. io, Ray Cabel and Ovidio Vega, members of Cutters' Local 10, from decision of a Local 10 trial committee dated January 29, 1976

Dear Sirs and Brothers:

Each of the undersigned hereby appeals, pursuant to Article 23 of the ILGWU Constitution, from the decision of the Local 10 trial committee, dated January 29, 1976, finding us "guilty" of the charges filed against us last February by Local 10 Manager and ILGWU International Vice President Abe Dolgen. A copy of that decision is enclosed herewith.

This is the third time that each of us has been compelled to appeal from a decision of a Local 10 trial committee finding him (us) guilty on these charges. As we have stated in our previous appeals, the charges against us are false are simply a further attempt by Manager Dolgen and his clique, with the consistent backing of the bureaucratic officialdom of ILGWU, to repress and persecute rank and file members critical of their rule over ILGWU. We have described the charges and their background in our previous appeals, which appeals we incorporate by reference in this appeal and make a part of this appeal.

We appeal from the trial committee's decision for the reason that we were and have been denied a full and fair hearing and for the reason that the punishment imposed by the trial committee is on its face unlawful and violative of our rights as union members.

Specifically, but without limiting our grounds for this appeal as previously stated, and in addition to the specific grounds stated in our previous appeals which are incorporated herein, we state the following as the grounds, among others, for this appeal:

(1) the trial committee which found us guilty was

not democratically chosen, but was selected, at a "rigged" meeting, by open hand vote, in such manner as to ensure that the persons selected and hand-picked by Dolgen and his stooges would be elected;

(ii) the members of the trial committee were and are infact subservient to Manager Dolgen and other members of his clique and biased against us because of and by reason of our opposition, within Local 10, to him and his clique;

(iii) the trial committee, and Local 10, denied us access to and copies of the minutes of the previous trials on the same charges and thereby denied us a fair opportunity to prepare our defense;

(iv) despite reasonable demands made by us, the trial committee refused and failed to have a proper record made of the trial proceedings either by a competent steenographer or by electronic recording or by any other appropriate method;

(v) the trial committee forbade us, and each of us, from making, for our own use and protection, an accurate record of the trial proceedings with the aid of either a competent stenographer or electronic means or by another method;

(vi) the trial committee excluded us from the trial proceedings and conducted the "trial" behind closed and locked doors, denying us the right to be present; and as a result thereof, we were denied the rights to confront and cross-examine witnesses, to know the substance of their testimony, and to testify inour own behalf and/or to bring witnesses to testify in our own behalf; and

(vii) the punishment actually imposed upon us, to wit: suspension from the right to attend membership meetings for varying periods of time, infringes and violates our rights as union members to participate equally with other members at union membership meetings and to express our views, arguments and opinions at such meetings, including our views upon candidates in an election of the labor organization or upon otherbusiness properly before the meeting, and for those reasons the punishment is invalid and unlawful on its face.

For the reasons indicated above, not only is the punishment invalid on its face, but the trial proceeding was unfair and denied us valuable and fundamental rights. We demand that it be immediately reversed and set aside.

We make this appeal in a good faith effort to exercise and exhaust all remedies reasonably available to us within the labor organization. If any further or different hearing or appellate remedy is available to us, or if any step in the appellate procedure has been omitted by us in the presentation of this appeal, or if any procedural error has been committed by us, we request that we be immediately so advised in writing, by mail to the address given at the beginning of this letter.

Fraternally,

Tomas Rosario
#26288

Ovidio Vega
#17937

Ray Cabel
#25777

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GPO 1974—535-543

Exhibit 17(a)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
- - - - - - - - - - - - - - - - -x

THOMAS ROSARIO, OVIDIO VEGA and RAY CABEL,
Plaintiffs,

-against-

AMALGAMATED LADIES GARMENT CUTTERS' UNION, LOCAL 10 of I.L.G.W.U. and INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO,
Defendants.
- - - - - - - - - - - - - - - - -x

76 Civ. 3204 (CBM)

AFFIDAVIT

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

DAVID MITTLEMAN and HAROLD BRODSKY, each being duly sworn, deposes and says:

We were the Chairman and the Secretary, respectively, of the Trial Committee elected by the members of Local 10 at their membership meeting held on November 24, 1975 to hear the charges preferred by Abe Dolgen, as an individual member of Local 10, against plaintiffs.

Both of us submitted main affidavits which were sworn to on July 30, 1976 in support of Local 10's motion for summary judgment and in opposition to plaintiff's motion for a preliminary injunction. We need not repeat all our averments therein, but we reassert all of them here with the same full force and effect.

However, since then, both of us have read and know the contents of the affidavits of Cabel, Spitzer and Rosario submitted in opposition to Local 10's motion. We desire to make the following answers thereto.

1. The affidavits of these three persons refer to three different trials on the same charges preferred by Dolgen, in his individual capacity as a member of Local 10, against plaintiffs. The Trial Committee, of which we were members, knows of only one trial, the so-called "third trial." The references to the other two trials are not part of this case, and, as we understand it, are the subject of another action pending in this Court brought by the same plaintiffs against Abe Dolgen, individually and as Manager of Local 10 and the City of New York, Docket No. 75 Civ. 4632 (CBM). The previous disciplinary proceedings and the appeals therefrom are not relevant here. No member of our Trial Committee has any knowledge, even to this day, of what transpired in those prior disciplinary proceedings. This disposes effectively of Paragraphs 5, 6, 7 and 8 on pp. 2-3 of Spitzer's affidavit and Paragraphs 9, 10 and 11 on p. 3 of Rosario's affidavit and Paragraph 14 on pp. 4 and 5 of Rosario's affidavit.

2. Paragraph 9, p. 3 of Cabel's affidavit and the various statements contained in Spitzer's affidavit relating to the hearings by the Trial Committee on December 18, 1975 and January 8, 1976 completely mis-represent the facts and are intended solely to mislead the Court.

What actually happened at the December 18, 1975 meeting of our Trial Committee is correctly reflected in the minutes of that meeting which is attached to my (Brodsky's) main affidavit as Exhibit "B". As the minutes show, upon objection made, the Trial Committee ruled that the hearing may not be tape recorded and that the plaintiffs would have to remove the recording device from the hearing room. When

they refused to do so, the Committee conferred again and the Chairman, with the approval of the Committee, refused to continue the hearing with the recording tapes in the hearing room and adjourned the hearing for 3 weeks from December 18, 1975 for the purpose of giving the accused an opportunity to decide whether they will appear without a tape recorder and that if they persisted in bringing a tape recorder to the hearing on the adjourned date, the hearing would be held without them.

A copy of the minutes of that meeting was sent by me (Brodsky) on December 26, 1975 together with a letter notifying each of the plaintiffs that the hearing had been adjourned to January 8, 1976 and that "the decision reached by the Trial Committee on December 18, 1975, was that you may not bring or use a tape recorder or any other electronic recording device at the hearing on January 8, 1976 or if the trial is continued, on any subsequent date. You are required to obey that ruling." Plaintiffs and their lay representatives never questioned the accuracy of these minutes nor do they question the receipt of the letter which I (Brodsky) sent them on December 28, 1975.

On January 8, 1976, the adjourned date of the hearing, plaintiffs again appeared with a tape recorder in violation of the ruling made by our Committee.

The minutes of that meeting show that, during the period that plaintiffs were present, "It was noted by the Chairman that the accused brought into the hearing room a recording device. They had been told at the hearing of December 18, 1975 that if they insisted on having a recording

device in the room, the hearing would be held without them. They again refused to remove the recording device and the trial committee adjourned to another room in the Local 10 office without the accused."

A copy of these minutes were sent by letter dated February 4, 1976 by Nat Klein to Thomas Rosario who requested the same. Plaintiffs and their representatives never questioned the accuracy of this part of the minutes nor did they question the receipt of the letter which Klein sent to Rosario on February 4, 1976 with the enclosures.

3. As this affidavit and our main affidavits show, there is no substance or merit in the averments made in Paragraphs 12, 13 and 14 on pp. 5 and 6 of Spitzer's affidavit.

Although they were advised that they could not do so, plaintiffs, either with the connivance, knowledge or consent of Spitzer and Kurtz, did record that part of the hearing on January 8, 1976 (and we have no doubt that they did so of the hearing held on December 18, 1975) at which they were present. Spitzer quotes from the hearing of January 8, 1976 with some delight at the top of p. 6 of the same affidavit. This so-called dialogue, in itself, is a sufficient indictment of how a garment worker who works with "tapes" can "doctor" or, better still, "tailor" tapes to fit only the facts which he wants to present. It is to be noted that not a single word is stated in that dialogue of the statements contained in the minutes of the hearings held on December 18, 1975 and January 8, 1975 which are set forth in Paragraph 2 above and the truth of which plaintiffs never questioned.

And I, David Mittleman, stand on the statement which I made on p. 7 of my main affidavit that at the hearing on January 8, 1976, that "the Trial Committee would conduct the hearing in another room on Local 10's premises so long as the accused continued to maintain their position contrary to the ruling of the Trial Committee and insisted upon tape recording the hearing." This statement was obviously erased from plaintiffs' tapes by them or does appear on the tapes but was not quoted by Sptizer in Paragraph 13 of his affidavit.

4. The Trial Committee sustained the objection to tape recording the hearing of the charges against plaintiffs for the reasons set forth in our main affidavits.

In any event I (Brodsky), pointed out in my main affidavit on p. 4 that (the Trial Committee) "are also the judges who set rules of the hearing not inconsistent with the Constitution of the International Ladies' Garment Workers' Union which is also the Constitution of Local 10. We have the right to expect that both the accuser and the accused will obey our rulings or take the consequences."

The rule which we established against tape recording the hearings was not inconsistent with the Constitution of the ILGWU and, indeed, it was consistent with the interpretation of the General Executive Board of the said Constitution when it ordered, in its October 8, 1975 decision granting a hearing de novo, that the Secretary of the Trial Committee "shall prepare the official minutes of the hearing."

Our Trial Committee interpreted this to mean that neither it nor anybody else could tape record or stenographically record the hearing. It is respectfully submitted that this was a reasonable interpretation by our Trial Committee of what the GEB of the ILGWU actually meant.

Our decision did not bar plaintiffs or their representative from taking such notes of the hearing as they deemed to be relevant or pertinent. They were accorded the same rights as the Secretary of our Trial Committee, except that the minutes of the Secretary were the official minutes.

This disposes effectively of Paragraphs 2 and 3 on p. 1 of Spitzer's affidavit and in Paragraph 11 on pp. 3-4 of Rosario's affidavit.

5. The averments in Paragraph 4 on pp. 1-2 of Spitzer's affidavit is an apparent, obvious last-minute attempt to besmich our Trial Committee and, to inject, ingeniously, a matter that was never presented to the Trial Committee.

Messrs. Spitzer and Kurtz both represented the plaintiffs at the hearings before our Trial Committee.

When our Committee's ruling was announced that tape recorders could not be used to tape the hearings and that plaintiffs would have to remove them from the hearing room, neither Spitzer nor Kurtz dissociated himself from that ruling. Neither one of them stated or suggested that he was willing to attend the hearing with or without any of his "clients" without tape recorders and neither requested permission to represent their "clients" at the hearing which was held in the other room by reason of the refusal of the plaintiffs to obey the Trial Committee's ruling that they remove the tape recorders from the hearing room and put them out of operation.

Spitzer's statement in Paragraph 4 on pp. 3-4 of his affidavit and in Paragraphs 14, 15 and 16 on pp. 6-7 of his affidavit is a belated effort on his part to create a new issue now where none existed before.

We respectfully submit to the Court that if Spitzer is really serious about the above statements which he made, all Spitzer and/or Kurtz should have done was to open the hearing room or knock on the door of thehearing room, which Spitzer does not say he or Kurtz did, and announce that Spitzer and/or Kurtz was ready to continue to proceed with or without their clients and without a tape recorder.. We assure the Court, indeed, we swear, that they would have been welcome and they would have been permitted to participate.

This effectively disposes of Paragraph 19 on pp. 7-8 of Spitzer's affidavit.

6. I, David Mittleman, deny, as I did in my main affidavit, that the door of any hearing room was locked on any night of the hearings held on December 18, 1975 and January 8, 1976.

It is true that when our Trial Committee entered the hearing rooms on both of those nights, the doors were locked, but I swear that I personally pushed the appropriate button in the doors of the hearing rooms to make certain that although the doors would be closed, they would not be locked.

Cabel's statement in Paragraph 9 on p. 3 of his affidavit and Spitzer's statement in Paragraphs 16 and 17 on pp. 6-7 of his affidavit are absolutely untrue. Nobody used a key to get into any room where our Trial Committee held the hearings and nobody knocked at the door or requested to be allowed to come in. Each of the witnesses who testified before us were called into the hearing room by William Harris, who represented Abe Dolgen, who made the charges against the plaintiffs. Their affidavits are being submitted herewith.

7. Our Trial Committee did not deny plaintiffs or

to the use of a tape recorder. He so stated in the affidavit,

Spitzer or Kurtz, as is intimated in Paragraph 6 on p. 2 of Spitzer's affidavit, the minutes of any prior disciplinary hearings or appeals. In a letter of Rosario addressed to me (Mittleman) dated December 22, 1975, plaintiff requested certain min" (See Exhibit 4 annexed to Mittleman's main affidavit). In my (Mittleman's) letter to Rosario dated December 24, 1975, I replied to Rosario as follows:

> "I cannot go into the question, at this time, of the minutes you require of Brothers Klein and Lipsig. Neither I nor the Trial Committee can make any ruling until we hear the arguments why these documents are necessary to prepare for a new trial and why the minutes requested have been refused. Our Trial Committee will make this ruling only if you appear at the adjourned hearing without a tape recorder or any other electronic recording device and after we hear the arguments."

(See Exhibit 5 annexed to Mittleman's main affidavit.)

8. Plaintiffs were not denied the opportunity for a fair hearing before our Trial Committee. They denied it to themselves when they refused to comply with our Committee's ruling that they could not tape record the hearing.

The question before our Committee was: Were we going to hold a hearing on the charges preferred against plaintiffs under the rules laid down by our Committee which were consistent with the interpretation by the General Executive Board of the ILGWU of the Constitution of the ILGWU or were we going to permit the plaintiffs to prevent a hearing from ever taking place by their insistence upon their various strategems; i.e., the charge of improper notice of the November 24, 1975 membership meeting, a demand for a secret ballot by Cabel which he now admits was never heard because he was speaking into a "de i" microphone, a demand for minutes of prior disciplinary hearings which we had no opportunity to pass upon because plaintiffs refused to comply with our ruling to turn off their tape recorder, a demand by them to

tape record the hearings, which was denied, but which it now turns out they did tape while they were present and which, if Spitzer's statement of what is contained on his tape recorders as stated in Paragraph 13 on the top of p. 6 of his affidavit is true, are as "doctored" and as "tailored" and as false as they can possibly be.

9. Our Trial Committee understands Spitzer's, Cabel's and Rosario's efforts to undermine the integrity of our Trial Committee to help save the plaintiffs' law suit, but we are confident that the Court will see through this unconscionable effort and will not permit them to succeed.

DAVID MITTLEMAN

HAROLD BRODSKY

Sworn to before me this
27th day of August, 1976.

MICHAEL A. LAWRENCE
NOTARY PUBLIC State of New York
No. 03-4600274
Qualified in Bronx County
Commission Expires March 30, 1976

Exhibit 17(b) JA 394

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- x

TOMAS ROSARIO, OVIDIO VEGA and RAY CABEL,

Plaintiffs,

-against-

AMALGAMATED LADIES GARMENT CUTTERS' UNION, LOCAL 10 OF I.L.G.W.U. and INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO,

Defendants.

76 Civ. 3204 (CBM)

AFFIDAVIT

- x

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

NAT KLEIN, being duly sworn, deposes and says:

I am the Secretary - Executive Board of defendant Local 10 and was elected as such by secret ballot by the membership of Local 10 at the last election of the Local. The next election will be held early in 1977. I am the same person whose affidavit, sworn to on August 17, 1976 and the 14 Exhibits annexed thereto are being submitted in support of Local 10's motion for summary judgment and in opposition to plaintiffs' motion for a preliminary injunction.

I have now read and know the contents of the answering affidavits submitted by plaintiff Cabel, Spitzer, and plaintiff Rosario, and I hereby make the following reply thereto.

As a preliminary observation, I hereby state that the aforesaid affidavits contain mostly self-serving statements and constantly refer to two prior disciplinary proceedings of plaintiffs held by the Executive Board of Local 10, sitting as a Grievance Committee, and appeals therefrom to the Appeals Committee of the International Ladies' Garment Workers' Union. I pointed out, in my main affidavit, and I hereby repeat here, the undeniable fact that the two prior disciplinary proceedings or "trials", as plaintiffs prefer to call them, are not involved in the instant action but are the subject matter of an entirely different action now pending before this Court: Docket No. 75 Civ. 4632 (CBM) in which, although the plaintiffs are the same as in the instant action, the defendants are different, the issues are different, and the relief demanded therein is different. But plaintiffs' affiants obviously paid no attention to what I said and continue their merry way of injecting into the instant case the two prior disciplinary proceedings which do not belong here.

A. I reply first to Cabel's answering affidavit sworn to on August 23, 1975.

1. With respect to Paragraph 3, p. 1:

As Cabel well knows, there is a ritual agenda which is observed at all membership meetings of Local 10. It consists of:

(a) Noting the decease of members of Local 10 since the last membership meeting and the members' rising for a moment of silent tribute to the deceased.

(b) Reading of communications and actions, if any, to be taken thereon.

(c) Reading of minutes of last membership meeting and action thereon.

(d) Reading of minutes of interim Executive Board, sitting as such, since the last membership meeting, and action thereon. The minutes of the Executive Board, sitting as a Grievance Committee, are not read since the membership of Local 10 is not required to and takes no action thereon.

(e) Manager's Report.

Members who wish to bring up new or old business do so before the Executive Board of Local 10, sitting as such. All they need do is to request permission to appear before the Executive Board and to be heard; their requests are always granted.

The decision of the Trial Committee in the instant case did not take that right away from the plaintiffs. It only denied plaintiff Cabel the right for 12 months and plaintiffs Rosario and Vega the right for 18 months to attend and participate in membership meetings of Local 10. Moreover, it did not deny any of them the right to appear at any membership or special meeting to which they were asked by letter to attend and be present.

Moreover, the Trial Committee was careful, in its decision, in protecting plaintiffs' rights to be candidates for office in Local 10 in any election.

2. With respect to Paragraph 4, pp. 1-2:

I hereby aver that the averments set forth in the above paragraph are completely self-serving statements and I therefore make no reply thereto.

3. With respect to Paragraph 5, p. 2:

I deny that the "letter from the ILGWU's General Executive Board, directing a new trial .. was treated as minutes of the Executive Board . .". The minutes of the membership meeting which are annexed to my main affidavit as Exhibit 1 show that the contrary is true. The aforesaid letter was read under the second item of the agenda "Reading of communications and actions if any thereon". The aforesaid letter was not part of any Executive Board minutes and was not read as such at that meeting.

However, Cabel admits that at the November 24, 1975 membership meeting, he did attempt to speak about the two prior disciplinary trials as being a farce. He was properly ruled out of order but refused to sit down. He took no appeal from the ruling. What actually occurred at that meeting is accurately reported on pp. 1-2 of Exhibit 1 annexed to my main affidavit. In view of the contents of the GEB letter of October 8, 1975, he was clearly out of order. However, he refused to obey the ruling of the Chair and continued to speak and attempted to disrupt that meeting. The microphone was not turned off but removed from the place where he was standing after the overwhelming majority of the members present at the meeting shouted that he was out of order and that he should sit down. Cabel originally wrote that he was "compelled to sit down". But he knew that was perjurious so he changed it to read "Still I remain standing".

Cabel's statement that he "recognized several of these persons to be political associates of manager Abe Dolgen" makes no sense. "Several" means a few and does

not mean the overwhelming majority.

4. With respect to Paragraph 6, p. 2:

Exhibit 1 annexed to my main affidavit shows the falsity of Cabel's figures of those present at the membership meeting held on November 24, 1976. As many as 167 members voted; many abstained from voting at all. The explanation for the lower than usual attendance is set forth in Paragraph 22 on pp. 10-11 of my main affidavit. It is to be noted that neither Cabel nor Spitzer nor Rosario deny or contest the accuracy of my explanation.

Cabel's statement about the date of posting is untrue. It is not only denied by me in my main affidavit but also by the nominators and nominees in their affidavits annexed to the Notice of Motion. I repeat my denial.

I deny the statement in paragraph 6 of Cabel's affidavit that Local 10 maintains or ever maintained a hiring hall. Cabel knows this and his averment to the contrary is absolutely untrue and was made to mislead the Court.

5. With respect to Paragraphs 7 and 8, p. 3:

It is not true that the posting on the bulletin board in Local 10's premises of notices of membership meetings is "more reliable and is more widely noted by members".

Usually very few members ever come to the offices of Local 10. Those who come do so for one or more of the following reasons: (a) to pay dues which are payable every three months (these are generally paid by mail); (b) to obtain a working card when obtaining a new job or to renew their working card which is required once every six months;

(c) to seek referral to a job when unemployed (the average percentage of unemployed cutters is less than 2% a year); (d) to file a complaint against his employer with the business agent assigned to the shop in which the member works (these are few in number); (e) to discuss a problem with the Health and Welfare Department of Local 10 concerning Blue Cross, Blue Shield, major medical and other benefits to which they are entitled (this occurs rarely and mostly for help in filling out forms or to inquire why benefit payments are late); (f) to collect vacation checks which are payable at the Local 10 office only for cutters employed in certain segments of the industry (these checks are distributed twice a year); (g) to inquire with respect to voter registration and participate in Local 10's blood bank (members who do so are few in number). Many members of Local 10 live in Brooklyn, Bronx, Staten Island, Long Island, New Jersey and up-state New York and work there. They rarely, if ever, come to the Local 10 office in midtown Manhattan.

I hereby aver that "Justice", the official publication of the ILGWU, is the normal way in which a member of Local 10 finds out the date of membership meetings of the Local.

It is certainly clear that plaintiffs Rosario and Cabel knew about and attended the meeting of November 24, 1975; so did Messrs. Spitzer and Kurtz, whom they later assigned as their representatives to defend them before the Trial Committee. And of course, so did many others.

In the main affidavits I and other affiants have denied that there was a late posting and I repeat such denial here. Further, I deny Cabel's suppositious and conclusory statement that "such late posting could only have been deliberate."

6. With respect to Paragraph 9, p. 3:

The above paragraph relates to the Trial Committee of which I was not a member. But it has been answered in paragraph 5, on pp. 6-7 of the joint affidavit of David Mittelman and Harold Brodsky submitted herewith and which I have read. It is worth repeating here. The above paragraph refers to Spitzer's affidavit. What Mittelman and Brodsky averred was as follows:

> "The averments in Paragraph 4 on pp. 1-2 of Spitzer's affidavit is an apparent, obvious last-minute attempt to besmirch our Trial Committee and, to inject, ingeniously, a matter that was never presented to the Trial Committee.
>
> Messrs. Spitzer and Kurtz both represented the plaintiffs at the hearings before our Trial Committee.
>
> When our Committee's ruling was announced that tape recorders could not be used to tape the hearings and that plaintiffs would have to remove them from the hearing room, neither Spitzer nor Kurtz disassociated himself from that ruling. Neither one of them stated or suggested that he was willing to attend the hearing with or without any of his 'clients' without tape recorders and neither requested permission to represent their 'clients' at the hearing which was held in the other room by reason of the refusal of the plaintiffs to obey the Trial Committee's ruling that they remove the tape recorders from the hearing room and put them out of operation.
>
> Spitzer's statement in Paragraph 4 on pp. 3-4 of his affidavit and in Paragraph 14, 15 and 16 on pp. 6-7 of his affidavit is a belated effort on his part to create a new issue now where none existed before.
>
> We respectfully submit to the Court that if Spitzer is really serious about the above statements

which he made, all Spitzer and/or Kurtz should have done was to open the hearing room or knock on the door of the hearing room, which Spitzer does not say he or Kurtz did, and announce that Spitzer and/or Kurtz was ready to continue to proceed with or without their clients and without a tape recorder. We assure the Court, indeed, we swear, that they would have been welcome and they would have been permitted to participate."

7. With respect to Paragraph 10, p. 4:

I deny the statement contained in the above paragraph. Although I do not intend to enter into a discussion of the two prior disciplinary proceedings against the plaintiffs, I did state in my main affidavit that the plaintiffs brought tape recorders to each of the two hearings; that they were told that they could not use them; and that they complied with the ruling and participated in hearings. I now discover by reading the affidavits of Spitzer and Rosario and the plaintiffs' Memorandum of Law that instead of the three plaintiffs acting "with decorum and in an orderly manner" they were lying and cheating because in fact they did not turn off their tape recorders at those hearings, although they solemnly said that they had done so.

8. With respect to Paragraph 11, p. 4:

This has been answered in paragraph 4 on pp. 5-6 of the joint affidavit of Mittelman and Brodsky submitted herewith. I add only that there is nothing in the Constitution of the ILGWU, as there is in the constitution of other labor unions, that a stenographer or tape recorder is required to record the official minutes of a disciplinary proceeding.

In plaintiffs' second appeal from the second disciplinary proceeding they raised the question of their right to have a tape recorder tape the hearings. The GEB Appeal Committee held in its decision of July 22, 1975:

> "The Local 10 Executive Board properly refused to allow the appellants to make an electronic recording of the hearing. Under our Constitution, there is only one official record of a disciplinary proceeding, prepared by the secretary of a trial or appeal body. The wisdom of this rule has been corroborated by the evidence in recent public history of the manner in which 'tapes' can be manipulated."

In rendering its decision on October 8, 1975 ordering a hearing de novo, under the special circumstances of this case, the GEB took into consideration the above ruling and accepted it by announcing in its October 8, 1975 decision that the Secretary of the Trial Committee "shall prepare the official minutes of the hearing". This was an official interpretation by the General Executive Board of the ILGWU of the Constitution. That Constitution states and plaintiffs concede that the GEB had a right to interpret the Constitution between conventions of the ILGWU.

9. With respect to Paragraphs 12 and 13, pp. 4-5:

The above Paragraphs relate to the defendant ILGWU and I assume that the latter will make its reply to the allegations in those Paragraphs.

10. With respect to Paragraph 14, pp. 5-6:

The affidavit of the Sergeant-at-Arms is submitted herewith and states precisely what occurred and contradicts Cabel's averments that neither he nor Rosario broke into the membership meeting of February 9, 1976.

Cabel states "surely Mr. Klein and Mr. Mechlowitz would agree that the decision barred us from attending" the regular membership meeting of May 17, 1976. Neither Mr. Mechlowitz nor I agree. I hereby assert and swear that Local 10 has interpreted the decision of the Trial Committee as not barring the plaintiffs from attending or participating in any meeting for which they received a letter to attend. This did not have to be told to the plaintiffs. It ought to have been self-evident to them. If the decision were intended to bar them from such meetings, obviously no letter would have been sent to them requesting them to attend.

11. With respect to Paragraph 15, p. 6:

Plaintiffs have not suffered any irreparable damage by reason of the decision of the Trial Committee. Only four membership meetings are held a year. There are only two more left for Cabel and four left for Rosario and Vega. At least two letters will be sent to each of them, as Cabel admits, because they will have to do with nominations and election of officers which will be held in January and February of 1977.

I have pointed out, in the early part of this affidavit, that it is untrue that plaintiffs will be denied the right to be nominated and to run for office in the elections to be held in Local 10 for that right has been preserved to them by the decision of the Trial Committee.

With respect to the latter part of the above paragraph, it is pure verbiage and contains matters over which this Court has no jurisdiction.

B. I now reply to Spitzer's answering affidavit, sworn to on August 21, 1976.

12. With respect to Paragraph 2, last sentence, p. 1:

The averments in the above Paragraph have been answered by me in Paragraph 8 above on p. 8.

13. With respect to Paragraphs 3 and 4, pp. 1-2:

The above Paragraphs relate to the Trial Committee. The averments therein have been answered in the joint affidavit of Mittelman and Brodsky submitted herewith, the pertiment part of which is set forth above in paragraph 7 of this affidavit.

14. With respect to Paragraph 5, p. 2:

The averments in the above Paragraph deal with the other action pending in this Court: Docket No. 75 Civ. 4632 (CBM). They are not pertinent in this action which deals only with the "third" trial.

I merely wish to add that the statement as to what happened at the first and second trials as related by Spitzer was not set forth in any of the affidavits in the other pending action.

15. With respect to Paragraph 6, pp. 2-3, Paragraph 8, last sentence, p. 5:

It is true that the plaintiffs through their counsel made demands upon Local 10 that they be furnished with copies of the official minutes of the two prior preliminary proceedings. In connection with their "third trial" it is true that Local 10 denied the request for the

reasons stated on pp. 14 to 18 of my main affidavit and the Exhibits referred to therein, which are annexed to my main affidavit.

I hereby aver that the reasons for the denial of the demands for the purposes requested were entirely proper. It is not true as the joint affidavit of Mittelman and Brodsky confirms, that the Trial Committee denied the minutes requested by the plaintiffs of the two prior disciplinary hearings. Mittelman quotes the following from his letter to Rosario dated December 24, 1975 (Exhibit 5 annexed to Mittelman's main affidavit)

> "I cannot go into the question, at this time of the minutes you require of Brothers Klein and Lipsig. Neither I nor the Trial Committee can make any ruling until we hear the arguments why these documents are necessary to prepare for a new trial and why the minutes requested have been refused. Our Trial Committee will make this ruling only if you appear to the adjourn hearing without a tape recorder or any other electronic recording device and after we hear the arguments."

It is true and Spitzer admits that plaintiff Rosario who requested all of the minutes and attachments of the hearings held on December 18, 1975 and January 8, 1976 received the same and that all plaintiffs received a copy of the decision of the Trial Committee.

The reference in the third, fourth, fifth and sixth sentences of the above Paragraph 6 refer to the first and second trials which are not before the Court in the instant action. In any event, Harry Rosenburg has sworn in an affidavit submitted herewith to a denial of the quote attributed to him.

16. With respect to Paragraph 7, p. 5:

The above Paragraph refers to appeals to the GEB Appeal Committee and I assume that the defendant ILGWU will make appropriate answers thereto.

17. With respect to Paragraph 9, p. 4:

I deny those statements contained in the above Paragraph which are untrue. I discussed the averments therein fully in Paragraph 5 above.

18. With respect to Paragraph 10, p. 4:

The first two sentences of the above Paragraph are heresay and the last sentence is a conclusion and is not evidence. I discussed the balance of the above Paragraph in Paragraphs 1 and 5 above. It would only encumber this affidavit if I were to reallege the statements at this point.

There is no provision in any law that I am aware of that requires a trial committee to be elected by secret ballot. Even if plaintiff had had the "opportunity" to demand a secret ballot, there is no proof and none can be produced that the members present at the meeting would have voted in favor of it.

19. With respect to Paragraph 11, p. 5:

The first sentence of the above Paragraph is a self-serving statement and would never be admitted in evidence in any trial.

The second sentence is totally untrue. The members of Local 10 who did the nominating of candidates for the Trial Committee have made a joint affidavit which is

being submitted herewith which establishes the untruth. They did not have nominating cards in their hands "which appeared to instruct them whom to nominate". Their affidavits demonstrate what in fact exists at all meetings. When nominations are made for any committee or for any office or for any other activity, the member who makes the nomination is required to write his name and his ledger number on a piece of paper, together with the name of the person he is nominating and to hand it to the Secretary on the platform. Otherwise, it would be impossible for me as Secretary to have a complete record of the names of the nominators and the persons who are nominated to put their names in the minutes. When I write the minutes I supply the ledger number of the persons nominated.

It is true that Dolgen sat on the dais as an officer of Local 10. He does so especially because before the meeting is concluded he renders the Manager's Report. That certainly is no evidence that the meeting was dominated by Dolgen or that the selection of the Trial Committee had already been determined.

Spitzer deplores the fact that "no affidavit by Mr. Dolgen is included in defendants' papers". Well, the affidavit has been supplied and is being submitted herewith.

Spitzer also complains that there is no affidavit "included of one of the nominators". He is wrong about that. It did not include one of those who was nominated, Flemmie Adams, and it was explained in my main affidavit that he was away on vacation. He has returned and his affidavit is now submitted herewith.

20. With respect to Paragraphs 13, 14, 15, 16, 17, 18 and 19; pp. 5-8:

The averments in the above Paragraphs relate to the Trial Committee. The joint affidavit of Mittelman and Brodsky is submitted herewith in reply thereto. In Paragraphs 3, 4, 5, 6, 7 and 8 they completely annihilate Spitzer's averments. Indeed they do more than that. They demonstrate Spitzer's lack of credibility, especially the fact that, although at previous trials he denied that the plaintiffs were using tape recorders, the fact now clearly appears that they did; the fact that the tapes were actually doctored or tailored to fit their own version of what occurred; and the fact that he makes statements which are self-serving and which cannot possibly be proved. Thus, the credibility of the contents of his entire affidavit is impugned.

I want to add only one word with respect to Spitzer. He is one of the leaders, together with Rosario and Cabel, to "bust" Local 10 and to take it over, I believe, for their own personal aggrandizement. Rosario has been a constant litigator against Local 10 before the National Labor Relations Board. He lost every one of the charges which he preferred and his appeals thereon. The decisions are attached as Exhibits 17-20 to my reply affidavit in the pending prior action.

Now that I have exposed that fact, Spitzer has taken over to become the principal litigator. After Local 10 had succeeded in removing him from the status of a temporary cutter and requiring his firm, Galaxy Costume Corp., to honor his permanent status as a cutter and

not withstanding that an appointment was made for Tuesday evening, August 17, 1976, after overtime work (so that they would lose no wages), for Spitzer (who requested the appointment - and who brought with him Rosario and Kutler) to discuss with Emil Schlesinger, Esq., the lawyer for Local 10, complaints which they had against Galaxy Costume Corp., Spitzer filed a charge against Local 10 with the National Labor Relations Board on August 16, 1975, charging the Local with invidious representation. A copy is annexed hereto. At the meeting on Tuesday night, Spitzer did not even have the decency to tell Mr. Schlesinger that he had filed the charge. This is a further attempt to harass Local 10 with full knowledge that the evidence is overwhelming that Local 10 has gone beyond the call of duty in protecting the interests of the cutters employed by Galaxy Costume Corp.

C. Finally, I reply to Rosario's answering affidavit sworn to on August 23, 19, 1976.

21. With respect to Paragraphs 2, 5, 6, 7, 9 and 13; pp. 2-4:

I discussed the above Paragraphs in my Paragraph 5 above and I reassert them here with the same force and effect.

I deny that part of the above Paragraphs 9 and 13 which state that plaintiffs were not "permitted to make their own minutes or record by any means at all." They were not barred from taking any notes of any of the

hearings.

22. With respect to Paragraph 10, p. 3:

Most of the averments in the above Paragraph relate to defendant ILGWU and I assume will be answered by them.

But so far as Local 10 is concerned, my main affidavit and the documentary evidence which is annexed thereto clearly demonstrate that plaintiffs never requested the right to bring a Court reporter or competent stenographer or to pay the expenses therefor. The issue never came up at any of the hearings before the Executive Board of Local 10 sitting as a Grievance Committee.

23. With respect to Paragraphs 11, 12 and 13; pp. 3-4:

I have no doubt that if plaintiffs had requested the Grievance Committee of Local 10 to have a stenographer at its expense record the disciplinary hearings, it would have been denied. I also have no doubt that if plaintiffs had offered to bring their "competent stenographer" at the union's or their own expense, it would have been denied. Never in the history of Local 10, so far as I know, has there been an official or unofficial stenographer called to take the minutes of disciplinary hearings. It is not required by the Constitution of the ILGWU which is also the Constitution of Local 10 and I know of no rule of law that requires it. There were no exceptional circumstances in the prior action or in the instant action which required a stenographer to take the minutes of the hearings.

I repeat that the statement in the last sentence of Paragraph 9 and the last sentence of Paragraph 13 that plaintiffs were told that "we could not make any record at all by any means at all" is simply unadulterated nonsense.

24. With respect to Paragraph 14, pp. 4-5:

Most of the above paragraph relates to defendant ILGWU and I assume that it will make proper answer thereto.

But so far as Local 10 is concerned, it is clear that Rosario lied at the hearings before the Grievance Committee when he and the other plaintiffs announced that they were not using a tape recorder.

Moreover, since Rosario had a taped transcription of the hearing, he could have easily pointed out to the Court in what substantial way the "official" minutes varied from his taped transcript, and what "testimony was never in fact officially recorded, etc." He has not done that. It is respectfully submitted that Rosario's statement cannot be given credence because he has offered no facts.

25. With respect to Paragraph 15, p. 5:

Rosario offers no proof of any kind whatsoever to support his statement that "Faced with an 'official' record which is falsified and distorted as these 'official' minutes have been" and therefore "it was and is clear to us that we needed and need our own record of what actually happens at any trial hearing at which we take part" makes no sense. Since Rosario had a transcript of the hearing,

he did not require the minutes of the previous tri[al] prepar[e] his defense. The same is true of the other plaintiffs. Therefore, his statement in his letter of appeal to the [I]EB Appeals Committee dated February 7, 1976 which states under (iii): "The trial committee, and Local 10, denied us access to and copies of the minutes of the previous trials on the same charges and thereby denied us a fair opportunity to prepare our defense" shows the insincerity of the plaintiffs' demand.

Moreover, the transcript of the hearing which plaintiffs recorded and which is quoted in Paragraph 13 on top of page 6 in Spitzer's affidavit demonstrates clearly that if anybody "doctors or tailors" minutes to serve their own purposes, it is plaintiffs and not defendants who do so.

Dated: New York, New York
August 30, 1976

S/ Nat Klein

Sworn to before me this
30th day of August, 1976.

Notary Public

MICHAEL A. LAWRENCE
NOTARY PUBLIC, State of New York
No. 03-4600274
Qualified in Bronx County 78
Commission Expires March 30, 19[illegible]

EXHIBIT 1

JA 413

NLRB-501 (4-72)

FORM EXEMPT UNDER 44 U.S.C. 3512

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS

INSTRUCTIONS: File an original and 4 copies of this charge and an additional copy for each organization, each local and each individual named in item 1 with the NLRB regional director for the region in which the alleged unfair labor practice occurred or is occurring.

DO NOT WRITE IN THIS SPACE

Case No. 2-CB-6810

Date Filed August 15, 1975

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name	b. Union Representative to Contact	c. Phone No.
Local 10, International Ladies Garment Cutters' Union, I.L.G.W.U.	Gerald Crosman	595-0350

d. Address (Street, city, state and ZIP code)
218 West 40th Street, New York, N.Y. 10018

e. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1) (2) (List Subsections) of the National Labor Relations Act, and these unfair labor practices are unfair labor practices affecting commerce within the meaning of the Act.

2. Basis of the Charge (Be specific as to facts, names, addresses, plants involved, dates, places, etc.)

Since on or about May 17, 1975, the above-named labor organization, through its officers, agents and representatives and members has failed to process, or has slowley processed the grievances of David Spitzer and other employees of Galaxy Costume Corporation, for arbitrary and incidious reasons.

3. Name of Employer	4. Phone No.
Galaxy Costume Corporation	OX-5-6167
5. Location of Plant Involved (Street, city, State and ZIP code)	**6. Employer Representative to Contact**
520 8th Avenue, New York, N.Y. -3rd Floor	Jerome Goldwin & Martin Fishbein

7. Type of Establishment (Factory, mine, wholesaler, etc.)	8. Identify Principal Product or Service	9. No. of Workers Employed
Garment Manufacturer	Garments	25

10. Full Name of Party Filing Charge
David Spitzer

11. Address of Party Filing Charge (Street, city, State and ZIP code)	12. Telephone No.
782 Pelham Parkway South, Bronx, N.Y. 10462	931-5546

13. DECLARATION

I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.

By David Spitzer (Signature of representative or person making charge) — An Individual (Title or office, if any)

Address /s/ David Spitzer 782 Pelham Parkway So., Bronx, N.Y. 10462 — 931-5546 (Telephone number) — August 15, 1975 (Date)

WILLFULLY FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

GPO 894-373

BEST COPY AVAILABLE

EXHIBIT

Exhibit 17(c)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TOMAS ROSARIO, OVIDIO VEGA and RAY CABEL,

Plaintiffs,

-against-

AMALGAMATED LADIES GARMENT CUTTERS' UNION, LOCAL 10 of I.L.G.W.U and INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO,

Defendants.

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76 Civ 3204 (CBM)

REPLY AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

MURRAY EDWIN, SAM BOCCASINI, FLEMMIE ADAMS, DAVID SIROTA and GERALD SEIDBAND, each being individually and severally duly sworn, deposes and says:

We have been shown and have read the affidavits of Raymond Cabel sworn to on August 23, 1976, the affidavit of David Spitzer sworn to on August 21, 1976, and the affidavit of Tomas Rossario sworn to on August 23, 1976 and know the contents thereof. We make this reply thereto.

1. The aforesaid affidavits refer to three different trials on the same charges preferred by Dolgen, in his individual capacity as a member of Local 10. The Trial Committee, of which we were members, elected at the membership meeting of Local 10 on November 24, 1975 knows of only one trial, the so-called "third trial". The references to the other two trials are not part of this case, but, as we understand it, are the subject of another action pending in this Court brought by the same plaintiffs against Abe Dolgen, individually and as Manager of Local 10 and the City of New York, Docket No. 75 Civ. 4632 (CBM).

We have read the main affidavits of David Mittleman and Harold Brodsky, Chairman and Secretary respectively, of the Trial Committee sworn to on July 30, 1976, and we are in full accord with the contents thereof.

At the hearing on December 18, 1975, our Committee unanimously disallowed the use of a tape recorder to record the hearings held before us for the reasons stated in the main affidavits of Mittleman and Brodsky.

The minutes of the hearing held on December 18, 1975 which is attached as Exhibit "B" to the main affidavit of Harold Brodsky truly reflects what occurred at that meeting.

The minutes of the hearing held on January 8, 1976, p. 1, the paragraph beginning "It was noted" and ending "without the accused" which is attached as Exhibit "E" to the main affidavit of Harold Brodsky also truly reflects what occurred at that meeting.

The doors of the hearing rooms at Local 10's premises on December 18, 1975 and January 8, 1976 were not locked but they were closed. Anyone could enter by opening the door or if they knocked on the door, the door would be opened for them from the inside. No one to our knowledge used a key to get into the hearing room at any time.

The plaintiffs were not barred from making their own notes of the hearing. Brothers Spitzer and Kurtz did not advise our Committee that they desired to be present at the hearing of the accused without a tape recorder. As a matter of fact it now appears that Brothers Spitzer and Kurtz were

part of the conspiracy to tape record the nearing on January 8, 1976 without the consent of our committee as he frankly admits in Paragraph 13 on Pages 5-6 of his (Spitzer's) affidavit.

Murray Edwin
MURRAY EDWIN

Sam Boccassini
SAM BOCCASINI

Flemmie Adams
FLEMMIE ADAMS

David Sirota
DAVID SIROTA

Gerald Seidband
GERALD SEIDBAND

Sworn to before me this
26th day of August, 1976.

Carmen E Maldonado

CARMEN E. MALDONADO
Notary Public State of New York
No. 4616797
Qualified in Kings County
Commission Expires March 30, 1977

State of New York
County of New York

Flemmie Adams, being duly sworn, deposes and says:

I was on vacation when the affidavits of the other accusers to the Grand Committee, attached to the motion papers were signed and sworn to. I have just read them and swear that they are true and that they apply to me. Never recommended by Morris Lapidus
Sworn to before me
This 21st day of August 1976

Flemmie Adams

Exhibit 17(d)

JA 417

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TOMAS ROSARIO, OVIDIO VEGA and RAY CABEL.

Plaintiffs.

-against-

AMALGAMATED LADIES GARMENT CUTTERS' UNION, LOCAL 10 of I.L.G.W.U and INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO.

Defendants.

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76 Civ 3204(CBM)

REPLY AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

BERNARD ZIONSKY, WILLIAM WEISS, EDWARD PASTEL, MARVIN GLICK and NAT KLEIN, each being individually and severally duly sworn, deposes and says:

We have been shown and have read Paragraph 16 on P. 6 of David Spitzer's affidavit sworn to on August 21, 1976 submitted by plaintiffs in opposition to defendants' motion for summary judgment. We hereby categorically deny each and every statement contained in that Paragraph.

None of the doors of the rooms in which the hearing of the charges preferred against plaintiffs was heard was ever locked. It is true that generally speaking, the doors of all rooms were always locked and a person desiring to enter had to either use a key or have it opened from the inside. However at the hearings on the charges on December 18, 1975 and January 8, 1976, David Mittleman, the Chairman, swears, under oath, that he himself pushed the button on the door which kept the doors open of each hearing room.

None of us used a key to enter the hearing room

on January 8, 1976. Each of us was called separately into the hearing room by William Harris. who was acting as lay representative for Dolgen, the charging party. It is absurd to say that each of us entered the hearing room whenever we felt like it or without being called. When we were called, Mr. Harris had the door wide open for us to enter.

BERNARD ZIONSKY

WILLIAM WEISS

EDWARD PASTEL

MARVIN GLICK

NAT KLEIN

Sworn to before me this
26th day of August, 1976.

MICHAEL A. LAWRENCE
NOTARY PUBLIC, State of New York
No. 03-4600274
Qualified in Bronx County
Commission Expires March 30, 1978

Exhibit 17(e)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TOMAS ROSARIO, OVIDIO VEGA and RAY CABEL,

Plaintiffs,

-against-

AMALGAMATED LADIES' GARMENT CUTTERS' UNION, LOCAL 10 of I.L.G.W.U and INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO,

Defendants.

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76 Civ 3204 (CBM)

REPLY AFFIDAVIT

STATE OF NEW YORK) ss.:
COUNTY OF NEW YORK)

ABE HOFFMAN, JERRY SELTERMAN, [illegible]RL De ANGELIS, ABE MELNICK, MORRIS UPDEGROVE, HAROLD BUCHLER, IRVING TRESHANSKY each being individually and severally sworn deposes and says:

We have read Paragraph 11 of the David Spitzer affidavit sworn to on August 21, 1976.

We hereby state that the contents of that Paragraph are pure fabrication. We nominated members of the Trial Committee. We were not given cards by anybody. After we made the nomination, as shown in the minutes of the meeting of November 24, attached as Exhibit "1" to Mr. Klein's affidavit sworn to August 17, 1976, we were asked to record our name and ledger number on a piece of paper together with the name of the person we nominated and to hand it to Secretary Klein for the record.

We have given affidavits which are contained in the main motion papers and we never said "that we were hand picked".

Abe Hoffman
ABE HOFFMAN

Julius "Jerry" Selterman
JERRY SELTERMAN

CARL De ANGELIS

ABE MELNICK

MORRIS UPDEGROVE

HAROLD BUCHLER

IRVING TRESHANSKY

Sworn to before me this
26th day of August, 1976.

(Notary)

Exhibit 17(f)

JA 421

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

TOMAS ROSARIO, OVIDIO VEGA and RAY CABEL,

Plaintiffs,

-against-

AMALGAMATED LADIES GARMENT CUTTERS' UNION, LOCAL 10 of I.L.G.W.U and INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO,

Defendants.

X

76 Civ 3204 (CBM)

AFFIDAVIT

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

ABE DOLGEN, being duly sworn, deposes and says:

I was the Manager of Local 10 ILGWU prior to July 1, 1976. I retired on that day.

I am aware of the action herein.

I have read the affidavit of David Spitzer, sworn to on August 21, 1976 and particularly Paragraph 11 thereof which appears on Page 5 of his affidavit.

In that Paragraph he takes Local 10 to task because "No affidavit by Mr. Dolgen is included in defendant's papers".

Well here I am and here is my sworn statement:

This action has nothing to do with a prior action pending in this Court brought by the same plaintiffs against me individually and as Manager of Local 10 and the City of New York, Docket No. 75 Civ. 4632 (CBM).

I have read the Complaint in this action.

I deny the allegations contained in Paragraph 8 of the Complaint that any meeting of Local 10 is usually dominated by the incumbent officers of Local 10.

I deny the allegation in Paragraph 9 of the

Complaint that the persons elected at the membership meeting on November 24, 1975 were hand picked by me or by any others allied with me.

I deny the allegation in Paragraph 10 of the Complaint that the persons who were elected to the Trial Committee "was and is allied with the incumbent officialdom of Local 10 and biased against each of plaintiffs because of the plaintiffs opposition to the officers".

Finally, I deny that the charges which I filed against plaintiffs on February 10, 1975 were filed by me as Manager of Local 10 and I further deny that I ever acted as Chairman of or dominated the hearings of plaintiffs held by the Executive Board of Local 10 sitting as a Grievance Committee, or that I ever ordered the arrest of Rosario and Vega.

Abe Dolgen

ABE DOLGEN

Sworn to before me this
26th day of August, 1976.

Michael A. Lawrence

MICHAEL A. LAWRENCE
NOTARY PUBLIC, State of New York
No. 03-4600274
Qualified in Bronx County (78)
Commission Expires March 30, 1978

Exhibit 17(g)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - - - - - - - - - - - - - x

TOMAS ROSARIO, OVIDIO VEGA and RAY CABEL,
Plaintiffs,

-against-

AMALGAMATED LADIES GARMENT CUTTERS' UNION, LOCAL 10 of I.L.G.W.U. and INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO,
Defendants.

- - - - - - - - - - - - - - - - - x

76 Civ. 3204 (CBM)

AFFIDAVIT

STATE OF NEW YORK)
ss.:
COUNTY OF NEW YORK)

CEASAR NIEVES, being duly sworn, deposes and says:

I am the Sergeant-at-Arms of Local 10, having been duly elected as such by secret ballot at the last election held by the members of Local 10.

I have been asked by Emil Schlesinger, Esq., the attorney for Local 10, to read Paragraph 14 on p. 5 of Raymond Cabel's affidavit, sworn to on August 23, 1976. In that paragraph he states that he and Rosario did not "break into" the meeting of Feb. 9th, 1976; that "we went to the door and spoke to the Sergeant-at-Arms;" that "though he told us that he had been instructed to the effect that we were not allowed in, when we questioned him, he turned out to be unclear as to whether we were or were not allowed. He

told us he would let us in. We therefore entered peacefully, in full sight of the Sergeant-at-Arms."

I hereby aver that the above statement is entirely false. I was the Sergeant-at-Arms involved. I had been instructed that if any of the three plaintiffs attempted to enter the meeting referred to above, I was not to permit them to enter, but that I should not permit them to precipitate a fight that would create disorder at the meeting.

I know plaintiffs Cabel and Rosario. I told them when they arrived at the meeting hall that they could not enter. They told me that they would enter regardless. When I tried to stop them, Cabel raised his fist and placed himself in a position to fight me. In an effort to prevent a fight and the creation of a disorder which would involve the calling of the police, I permitted them, against my will, but according to the instructions given me, to enter the meeting.

In my opinion, Cabel and Rosario broke into the meeting.

Ceasar Nieves

CEASAR NIEVES

Sworn to before me this
27th day of August, 1976.

Michael A. Lawrence

MICHAEL A. LAWRENCE
NOTARY PUBLIC, State of New York
No. 03-4600274
Qualified in Bronx County 78
Commission Expires March 30, 1976

Exhibit 17(h)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

TOMAS ROSARIO, OVIDIO VEGA and RAY CABEL,

Plaintiffs,

-against-

AMALGAMATED LADIES GARMENT CUTTERS' UNION, LOCAL 10 of I.L.G.W.U and INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO,

Defendants.

X

76 Civ 3204 (CBM)

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

HARRY ROSENBERG, being duly sworn, deposes and says:

I am a rank and file member of Local 10, I was elected as a member of the Executive Board of Local 10 by secret ballot in the 1974 election in Local 10. Thereafter, the Executive Board elected me as its Chairman.

I have read the affidavit of David Spitzer sworn to on August 21, 1976 and particularly Paragraph 6 thereof which appears on pp. 2 and 3 thereof. On page 3 he states that he asked the secretary to read back a portion of the minutes and that I, as chairman, replied, "the portions ... is got to have edited, he is taking them in shorthand."

I recall that meeting very vividly, I remember that the 3 plaintiffs and Spitzer and Kurtz who were acting as their representatives had come to the disciplinary hearing with tape recorders and that they were told that they could not use them and they agreed not to do so.

We took them at their word but obviously they were lying. They had recorded the meeting because Spitzer quotes from their tape. Incidentally, Rosario and plaintiffs' Memorandum of Law admit that they were taping the hearings in spite of their assertions to us that they were not.

The wisdom of the rule which we invoked that no tape recording can be made is demonstrated by the above quoted statement which is an absolutely untrue statement. I never said "the portions ... is got to have edited, he is taking them in shorthand". Mr. Strickler was then acting secretary of the meeting. I cannot have made such a statement. Mr. Strickler is a cutter not a stenographer, I know that, and everybody else in Local 10 knows that, including those who were present at the second hearing. The quoted statement shows how tapes can be "doctored" or since Mr. Spitzer is a garment maker, how then can he be "tailored" to fit any facts which he wants to include.

Harry Rosenberg
HARRY ROSENBERG

Sworn to before me this
26th day of August, 1976.

Michael A. Lawrence

MICHAEL A. LAWRENCE
NOTARY PUBLIC, State of New York
No. 03-4600274
Qualified in Bronx County (78)
Commission Expires March 30, 1978

We, the undersigned, members of the Trial Committee to hear charges preferred on Feb 10, 19[illegible] and refiled on May 5, 1975 by Brothers Abe Dolgin against Brothers Tomas Rosario, Ovidio Vega and Raymond Cabel, hereby elect David Mittleman to be Chairman and Harold Brodsky to be Secretary to take the official minutes of the hearing of the trial committee.

David Mittleman
Chairman

Harold Brodsky
Secretary

Murray Edwin
Member

Sam P. Boccessani
Member

Flemmie Adams Jr
Member

agreed to:
David Sirota
alternate

Gerald Seidband
alternate

Exhibit 18

JA 428

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

218 WEST 40th STREET NEW YORK, N.Y. 10018 • AREA CODE 212 695-0850

ABE DOLGEN
Manager-Sec'y

WILLIAM WEISS
Assistant Manager

NAT KLEIN
Sec'y-Executive Board

December 4, 1975

Mr. Tomas Rosario 26285
1291 Spofford Ave. Apt. 6B
Bronx, New York 10474

Dear Sir and Brother:

There are annexed two copies of charges preferred against you, Ovidio Vega and Raymond Cabel by Abe Dolgen, a member of Local 10. These charges were originally dated February 10, 1975, before the first trial and May 8, 1975, before the second trial. On October 8, 1975, the General Executive Board of the I.L.G.W.U. ordered a new trial on these charges to be held by a trial committee elected by the membership of Local 10 at a regular membership meeting. Such a committee was elected on November 24, 1975, and the committee has elected David Mittleman, #16417, as Chairman and the undersigned as Secretary. Under the October 8, 1975 decision, the undersigned is the only one to take the minutes of the hearing. These will be the official minutes which will be filed in the offices of Local 10.

You are hereby summoned to appear at a hearing on the annexed charges which will be held on Thursday, December 18, 1975, at 6:30 P.M. in the Council Room on the seventh floor of the offices of Local 10, 218 West 40th Street, New York, New York 10018.

Under the Constitution of the I.L.G.W.U. you are entitled, as one of the accused members, to be represented by a single member in good standing of the I.L.G.W.U. upon whom you, Ovidio Vega and Raymond Cabel agree. You are also entitled to testify at the hearing and to bring such witnesses or other evidence as you may have in defense against the charges. You or your representative are entitled to cross examine witnesses who testify against you and you yourself will be subject to cross examination.

490

JA 429

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

LOCAL 10 I.L.G.W.U.

218 WEST 40th STREET NEW YORK, N. Y. 10018 • AREA CODE 212 695-0850

ABE DOLGEN
Manager-Sec'y

WILLIAM WEISS
Assistant Manager

NAT KLEIN
Sec'y-Executive Board

The meeting will start promptly at 6:30 P.M. and you are expected to be on time and to bring your dues book with you.

Fraternally yours,

Harold Brodsky

Harold Brodsky, #16739
Secretary, Trial Committee

HB:em
opeiu:153
enclosures

JA 430

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

218 WEST 40th STREET NEW YORK, N.Y. 10018 • AREA CODE 212 695-0850

ABE DOLGEN
Manager-Sec'y

WILLIAM WEISS
Assistant Manager

NAT KLEIN
Sec'y-Executive Board

December 4, 1975

Mr. Ovidio Vega 17937
373 East 188th Street
Bronx, New York 10058

Dear Sir and Brother:

There are annexed two copies of charges preferred against you, Tomas Rosario and Raymond Cabel by Abe Dolgen, a member of Local 10. These charges were originally dated February 10, 1975, before the first trial and May 8, 1975, before the second trial. On October 8, 1975, the General Executive Board of the I.L.G.W.U. ordered a new trial on these charges to be held by a trial committee elected by the membership of Local 10 at a regular membership meeting. Such a committee was elected on November 24, 1975, and the committee has elected David Mittleman, #16417, as Chairman and the undersigned as Secretary. Under the October 8, 1975 decision, the undersigned is the only one to take the minutes of the hearing. These will be the official minutes which will be filed in the offices of Local 10.

You are hereby summoned to appear at a hearing on the annexed charges which will be held on Thursday, December 18, 1975, at 6:30 P.M. in the Council Room on the seventh floor of the offices of Local 10, 218 West 40th Street, New York, New York 10018.

Under the Constitution of the I.L.G.W.U. you are entitled, as one of the accused members, to be represented by a single member in good standing of the I.L.G.W.U. upon whom you, Tomas Rosario and Raymond Cabel agree. You are also entitled to testify at the hearing and to bring such witnesses or other evidence as you may have in defense against the charges. You or your representative are entitled to cross examine witnesses who testify against you and you yourself will be subject to cross examination.

JA 431

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

218 WEST 40th STREET NEW YORK, N.Y. 10018 • AREA CODE 212 695-0850

ABE DOLGEN
Manager-Sec'y

WILLIAM WEISS
Assistant Manager

NAT KLEIN
Sec'y-Executive Board

The meeting will start promptly at 6:30 P.M. and you are expected to be on time and to bring your dues book with you.

Fraternally yours,

Harold Brodsky

Harold Brodsky, #16739
Secretary, Trial Committee

HB:em
opeiu:153
enclosures

JA 432

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

218 WEST 40th STREET NEW YORK, N.Y. 10018 • AREA CODE 212 695-0850

ABE DOLGEN
Manager-Sec'y

WILLIAM WEISS
Assistant Manager

NAT KLEIN
Sec'y-Executive Board

December 4, 1975

Mr. Raymond Cabel 25777
2190 Brigham Street
Brooklyn, New York 11229

Dear Sir and Brother:

There are annexed two copies of charges preferred against you, Ovidio Vega and Tomas Rosario by Abe Dolgen, a member of Local 10. These charges were originally dated February 10, 1975, before the first trial and May 8, 1975, before the second trial. On October 8, 1975, the General Executive Board of the I.L.G.W.U. ordered a new trial on these charges to be held by a trial committee elected by the membership of Local 10 at a regular membership meeting. Such a committee was elected on November 24, 1975, and the committee has elected David Mittleman, #16417, as Chairman and the undersigned as Secretary. Under the October 8, 1975 decision, the undersigned is the only one to take the minutes of the hearing. These will be the official minutes which will be filed in the offices of Local 10.

You are hereby summoned to appear at a hearing on the annexed charges which will be held on Thursday, December 18, 1975, at 6:30 P.M. in the Council Room on the seventh floor of the offices of Local 10, 218 West 40th Street, New York, New York 10018.

Under the Constitution of the I.L.G.W.U. you are entitled, as one of the accused members, to be represented by a single member in good standing of the I.L.G.W.U. upon whom you, Ovidio Vega and Tomas Rosario agree. You are also entitled to testify at the hearing and to bring such witnesses or other evidence as you may have in defense against the charges. You or your representative are entitled to cross examine witnesses who testify against you and you yourself will be subject to cross examination.

JA 433

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

218 WEST 40th STREET NEW YORK, N.Y. 10018 AREA CODE 212 695-0850

ABE DOLGEN
Manager-Sec'y

WILLIAM WEISS
Assistant Manager

NAT KLEIN
Sec'y-Executive Board

The meeting will start promptly at 6:30 P.M. and you are expected to be on time and to bring your dues book with you.

Fraternally yours,

Harold Brodsky

Harold Brodsky, #16739
Secretary, Trial Committee

HB:em
opeiu:153
enclosures

JA 434

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

218 WEST 40th STREET NEW YORK, N.Y. 10018 • AREA CODE 212 695-0850

ABE DOLGEN
Manager-Sec'y

WILLIAM WEISS
Assistant Manager

NAT KLEIN
Sec'y-Executive Board

December 4, 1975

Mr. Abe Dolgen
Manager-Sec'y, Local 10
I.L.G.W.U.
218 West 40th Street
New York, New York 10018

Dear Sir and Brother:

There are annexed a true copy of charges which you, as a member of Local 10, preferred against Tomas Rosario, Ovidio Vega and Raymond Cabel. These charges were originally dated February 10, 1975, before the first trial and May 8, 1975, before the second trial. On October 8, 1975, the General Executive Board of the I.L.G.W.U. ordered a new trial on these charges to be held by a trial committee elected by the membership of Local 10 at a regular membership meeting. Such a committee was elected on November 24, 1975, and the committee has elected David Mittleman, #16417, as Chairman and the undersigned as Secretary. Under the October 8, 1975 decision, the undersigned is the only one to take the minutes of the hearing. These will be the official minutes which will be filed in the offices of Local 10.

You are hereby summoned to appear at a hearing on the annexed charges which will be held on Thursday, December 18, 1975, at 6:30 P.M. in the Council Room on the seventh floor of the offices of Local 10, 218 West 40th Street, New York, N.Y. 10018.

Under the Constitution of the I.L.G.W.U. you are entitled, as one of the accused members, to be represented by a single member in good standing of the I.L.G.W.U. You are also entitled to testify at the hearing and to bring such witnesses or other evidence as you may have in support of these charges. You or your representative are entitled to cross examine witnesses who testify in support of your charges and you yourself will be subject to cross examination.

BEST COPY AVAILABLE

AMALGAMATED LADIES GARMENT CUTTERS' UNION

JA 435

218 WEST 40th STREET NEW YORK, N.Y. 10018 • AREA CODE 21 695-085

ABE DOLGEN
Manager-Sec'y

WILLIAM WEISS
Assistant Manager

NAT KLEIN
Sec'y-Executive Board

The meeting will start promptly at 6:30 P.M. and you are expected to be on time and to bring your dues book with you.

Fraternally yours,

Harold Brodsky

Harold Brodsky, #16739
Secretary, Trial Committee

HB:em
opeiu:153
enclosures

JA 438

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

218 WEST 40th STREET NEW YORK, N.Y. 10018 • AREA CODE 212 695-0850

ABE DOLGEN
Manager-Sec'y

WILLIAM WEISS
Assistant Manager

NAT KLEIN
Sec'y-Executive Board

February 10, 1975

Mr. Nat Klein
Secretary - Executive Board
Amalgamated Ladies' Garment Cutters Union-Local 10
I.L.G.W.U.
218 West 40th Street
New York, N.Y. 10018

Dear Sir and Brother:

I, a member of Local 10, I.L.G.W.U., hereby prefer charges against ORVIEDA VEGA LEDGER #17937, TOMAS ROSARIO LEDGER #26283 and RAYMOND CABEL LEDGER #25777, for violations of the following provisions of the I.L.G.W.U., Constitution and By-Laws, pursuant to a pre-determined and calculated plan by:

1. Interfering with the functions and powers of officers, business agents, representatives, employees and agents of Local 10, I.L.G.W.U., in violation of subdivision (E) of Section 1, Article 20 of the constitution.

2. Interfering with the functions and powers of Local 10, I.L.G.W.U., in violation of subdivision (F) of Section I, Article 20 of the constitution.

3. Disobeying and failing to comply with orders and decisions of officials of Local 10, I.L.G.W.U., in violation of subdivision (C) of Section I, Article 20 of the constitution.

4. Action and conduct detrimental to the interests of the I.L.G.W.U., and of Local 10, in violation of subdivision (I) of Section I, Article 20 of the constitution: and

5. Action and conduct unbecoming a member, occuring in connection with membership in the I.L.G.W.U. and employment in its jurisdiction, in violation of subdivision (L) of Section I, Article 20 of the Constitution.

In that on January 29, 1975 each in conjunction with each other, jointly

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

218 WEST 40th STREET NEW YORK, N.Y. 10018 • AREA CODE 212 695-0850

ABE DOLGEN
Manager-Sec'y

WILLIAM WEISS
Assistant Manager

NAT KLEIN
Sec'y-Executive Board

took possesion of the office of the Manager of Local 10, obstructed and interfered with the conduct of the usual business of Local 10, interfered with the functioning of the business agents and officers of Local 10, and refused to leave said office when ordered to do so by officers of Local 10.

And further, in that Raymond Cabel subsequently left the office of the manager, proceeded on to the waiting room in the premises of Local 10, and sought to provoke physical action against the elected administration of Local 10, by members of Local 10 who were in such waiting room.

Abe Dolgen

ABE DOLGEN

218 West 40th Street
ADDRESS

12352
LEDGER #

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

218 WEST 40th STREET NEW YORK, N.Y. 10018 • AREA CODE 212 695-0850

BE DOLGEN
Manager-Sec'y

VILLIAM WEISS
Assistant Manager

AT KLEIN
Sec'y-Executive Board

May 8, 1975

Mr. Nat Klein
Secretary - Executive Board
Amalgamated Ladies' Garment Cutters Union-Local 10
I.L.G.W.U.
218 West 40th Street
New York, N.Y. 10018

Dear Sir and Brother:

I, a member of Local 10, I.L.G.W.U., hereby prefer charges against OVIDIO VEGA LEDGER #17937, TOMAS ROSARIO LEDGER #26288 and RAYMOND CABEL LEDGER #25777, for violations of the following provisions of the I.L.G.W.U. Constitution and By-Laws, pursuant to a pre-determined and calculated plan by:

1. Interfering with the functions and powers of officers, business agents, representatives, employees and agents of Local 10, I.L.G.W.U., in violation of subdivision (E) of Section 1, Article 20 of the constitution.

2. Interfering with the functions and powers of Local 10, I.L.G.W.U., in violation of subdivision (F) of Section I, Article 20 of the constitution.

3. Disobeying and failing to comply with orders and decisions of officials of Local 10, I.L.G.W.U., in violation of subdivision (C) of Section I, Article 20 of the constitution.

4. Action and conduct detrimental to the interests of the I.L.G.W.U., and of Local 10, in violation of subdivision (I) of Section I, Article 20 of the constitution: and

5. Action and conduct unbecoming a member, occuring in connection with membership in the I.L.G.W.U. and employment in its jurisdiction, in violation of subdivision (L) of Section I, Article 20 of the Constitution.

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

218 WEST 40th STREET NEW YORK, N.Y. 10018 • AREA CODE 212 695-0850

ABE DOLGEN
Manager-Sec'y

WILLIAM WEISS
Assistant Manager

NAT KLEIN
Sec'y-Executive Board

In that on January 29, 1975 each in conjunction with each other, jointly took possession of the office of the Manager of Local 10, obstructed and interfered with the conduct of the usual business of Local 10, interfered with the functioning of the business agents and officers of Local 10, and refused to leave said office when ordered to do so by officers of Local 10.

And further, in that Raymond Cabel subsequently left the office of the Manager, proceeded on to the waiting room in the premises of Local 10, and sought to provoke physical action against the elected administration of Local 10, by members of Local 10 who were in such waiting room.

Abe Dolgen

ABE DOLGEN

218 West 40th Street

ADDRESS

12352

LEDGER #

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

LOCAL 10 I.L.G.W.U.

218 WEST 40th STREET NEW YORK, N.Y. 10018 • AREA CODE 212 695-0850

ABE DOLGEN
Manager-Sec'y

WILLIAM WEISS
Assistant Manager

NAT KLEIN
Sec'y-Executive Board

December 26, 1975

Mr. Tomas Rosario, #26288
1291 Spofford Avenue Apt. 6B
Bronx, N.Y. 10474

Dear Sir and Brother:

You are hereby notified that the hearing held on December 18, 1975, was adjourned to January 8, 1976. It will be held at 6:30 P.M. on that day in the Council Room of Local 10 on the seventh floor, 218 West 40th Street, New York, N.Y. Please be present and on time with your witnesses.

The decision reached by the Trial Committee on December 18, 1975, was that you may not bring or use a tape recorder or any other electronic recording device at the hearing on January 8, 1976 or, if the trial is continued, on any subsequent date. You are required to obey that ruling.

A copy of the minutes of the hearing on December 18, 1975, is enclosed.

Fraternally yours,

Harold Brodsky

Harold Brodsky, Secretary
Trial Committee

encl.
HB:sm
opeiu:153

Minutes of hearing - Dec 18, 1975

The trial committee consisting of the following
DAVID MITTLEMAN - CHAIRMAN
HAROLD BRODSKY - SECRETARY
MURRAY EDWIN
Sam BOCCASIO
FLEMMIE ADAMS
JERRY SIEDBAND - ALTERNATE
DAVE SIROTA - ALTERNATE
met this date at 6:30 P.M. at local 10 office, 218 W 40th St, N.Y. for the purpose of hearing charges preferred by Abe Dolgen as a member of local 10 against the following members of local 10 - OVIDIO VEGA - 17937
TOMAS ROSARIO - 26258
RAYMOND CABEL - 25777.

Brothers John Kurtz and David Fitzer stated that they represented the accused. Brother William Harris stated that he represented Brother Dolgen -

Then the Chairman read the decision from the General Executive Board of Oct 8, 1975 setting the conditions under which this trial will be held (letter attached)

Brother Harris raised objection to the presence JA 442
of a recording device in the room which was in operation. The Chairman, after consulting with the committee, ruled that the recording device was out of order in the trial room and ordered the tape recorder to be removed.

The accused union members refused to remove said recording device. After consultation with the members of the trial committee the Chairman refused to continue the hearing with the recording device in the hearing room and adjourned the hearing for 3 weeks from Dec 18 1975 for the purpose of giving the accused an opportunity to decide whether they will appear without a tape recorder and that if they persisted in bringing a tape recorder to the hearing on the adjourned date, the hearing will be held without them. Brothers Harris then left the room.

A statement was about to be read on behalf of the accused, but the Chairman ruled that since the meeting had been adjourned, nothing further will be heard.

Respectfully submitted.

Harold Brodsky
Sec - Trial Committee.

SOL C. CHAIKIN
PRESIDENT
GENERAL SECRETARY-TREASURER
&
WILBUR DANIELS
EXECUTIVE VICE-PRESIDENT

E. HOWARD MOLISANI
FIRST VICE PRESIDENT

DAVID DUBINSKY
LOUIS STULBERG
HONORARY PRESIDENTS

GENERAL EXECUTIVE BOARD
SHELLEY APPLETON
MORRIS BIALIS
NICHOLAS S. BONANNO
ISRAEL BRESLOW
SIMON BREINER
ABE DOLGEN
DAVID GINGOLD
SOL GREENE
MURRAY GROSS
SOL HOFFMAN
MATTIE JACKSON
SAM JANIS
EDWARD KRAMER
DOUGLAS LEVIN
HENOCH MENDELSUND
SALVATORE NOTO
JULIUS RAMIREZ
WILLIAM ROSS
EDWARD SCHNEIDER
MATTHEW SCHOENWALD
FREDERICK SIEMS
CORNELIUS VALL

Decision of General Executive Board, ILGWU, on Charges by Abe Dolgen against Tomas Rosario, Ovidio Vega and Raymond Cabel

Although the three accused members of Local 10 have failed to utilize their right under the ILGWU Constitution to appeal to the full General Executive Board of the ILGWU (GEB), from the attached decision of its Appeal Committee, the GEB, on its own motion, has reviewed that decision, pursuant to its authority under Article 23, Section 5, subd.(d), of said Constitution.

It is the decision of the GEB that because of the special circumstances surrounding the case, and the fact that the charges have already been heard twice by the Executive Board of Local 10, the charges shall be reheard de novo by a Trial Committee of Local 10, under the following conditions:

1) The Trial Committee shall be composed of rank-and-file members of Local 10 and shall consist of five (5) members and two (2) alternates selected by the membership of Local 10 at the next general membership meeting of the Local. Persons serving on the Trial Committee shall not have previously been involved in hearing the charges or in making the charges or in defending against them.

2) The Trial Committee shall select one of its members as Chairman. It shall also select a Secretary from among its members who shall prepare the official minutes of the hearing which shall be filed in the offices of Local 10. The official minutes or true copies thereof shall be made available for inspection in the offices of Local 10 by either the charging party or the accused upon their written request therefor. True copies of the minutes shall be furnished if so requested in writing.

3) Should the Trial Committee find the accused or any of them guilty, any penalty which might be imposed shall not include disqualification as a candidate for Union office.

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

218 WEST 40th STREET NEW YORK, N.Y. 10018 • AREA CODE 212 695-0850

ABE DOLGEN
Manager-Sec'y

WILLIAM WEISS
Assistant Manager

NAT KLEIN
Sec'y-Executive Board

December 26, 1975

Mr. Ovidio Vega, #17937
373 East 188th Street
Bronx, N.Y. 10058

Dear Sir and Brother:

You are hereby notified that the hearing held on December 18, 1975, was adjourned to January 8, 1976. It will be held at 6:30 P.M. on that day in the Council Room of Local 10 on the seventh floor, 218 West 40th Street, New York, N.Y. Please be present and on time with your witnesses.

The decision reached by the Trial Committee on December 18, 1975, was that you may not bring or use a tape recorder or any other electronic recording device at the hearing on January 8, 1976 or if the trial is continued, on any subsequent date. You are required to obey that ruling.

A copy of the minutes of the hearing on December 18, 1975, is enclosed.

Fraternally yours,

Harold Brodsky

Harold Brodsky, Secretary
Trial Committee

encl.
HB:sm
opeiu:153

Minutes of hearing - Dec 18, 1975

the trial committee consisting of the following -
DAVID MITTLEMAN - CHAIRMAN
HAROLD BRODSKY - SECRETARY
MURRAY EDWIN
Sam BOCCASIOI
FLEMMIE ADAMS
JERRY SIEDBAND - ALTERNATE
DAVE SIROTA - ALTERNATE
met this date at 6:30 P.M. at local 10 office, 218 W 40th St, N.Y.C. for the purpose of hearing charges preferred by Abe Dolgen as a member of local 10 against the following members of local 10 - OVIDIO VEGA - 17937
TOMAS ROSARIO - 26258
RAYMOND CABEL - 25777.

Brothers John Kurtz and David Spitzer stated that they represented the accused. Brother William Harris stated that he represented Brother Dolgen -

Then the Chairman read the decision from the General Executive Board of Oct 8, 1975 setting the conditions under which this trial will be held. (letter attached)

Brother Harris raised objection to the presence of a recording device in the room which was in operation. The Chairman, after consulting with the committee, ruled that the recording device was out of order in the trial room and ordered the tape recorder to be removed.

The accused union members refused to remove said recording device. After consultation with the members of the trial committee the Chairman refused to continue the hearing with the recording device in the hearing room and adjourned the hearing for 3 weeks from Dec 18 1975 for the purpose of giving the accused an opportunity to decide whether they will appear without a tape recorder and that if they persisted in bringing a tape recorder to the hearing on the adjourned date, the hearing will be held without them. Brother Harris then left the room.

A statement was about to be read on behalf of the accused, but the Chairman ruled that since the meeting had been adjourned, nothing further will be heard.

Respectfully submitted

Harold Brotsky

Sec - Trial Committee.

SOL C. CHAIKIN
PRESIDENT
GENERAL SECRETARY-TREASURER

WILBUR DANIELS
EXECUTIVE VICE-PRESIDENT

E. HOWARD MOLISANI
FIRST VICE PRESIDENT

DAVID DUBINSKY
LOUIS STULBERG
HONORARY PRESIDENTS

GENERAL EXECUTIVE BOARD
SHELLEY APPLETON
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NICHOLAS S. BONANNO
ISRAEL BRESLOW
SIMON BREGNER
ABE DOLGEN
DAVID GINGOLD
SOL GREENE
MURRAY GROSS
SOL HOFFMAN
MATTIE JACKSON
SAM KANIS
EDWARD KRAMER
DOUGLAS LEVIN
MENOCH MENDELSUND
SALVATORE NOTO
JULIUS RAMIREZ
WILLIAM ROSS
EDWARD SCHNEIDER
MATTHEW SCHOENWALD
FREDERICK SIEMS
CORNELIUS WALL

Decision of General Executive Board, ILGWU, on Charges by Abe Dolgen against Tomas Rosario, Ovidio Vega and Raymond Cabel

Although the three accused members of Local 10 have failed to utilize their right under the ILGWU Constitution to appeal to the full General Executive Board of the ILGWU (GEB), from the attached decision of its Appeal Committee, the GEB, on its own motion, has reviewed that decision, pursuant to its authority under Article 23, Section 5, subd.(d), of said Constitution.

It is the decision of the GEB that because of the special circumstances surrounding the case, and the fact that the charges have already been heard twice by the Executive Board of Local 10, the charges shall be reheard de novo by a Trial Committee of Local 10, under the following conditions:

1) The Trial Committee shall be composed of rank-and-file members of Local 10 and shall consist of five (5) members and two (2) alternates selected by the membership of Local 10 at the next general membership meeting of the Local. Persons serving on the Trial Committee shall not have previously been involved in hearing the charges or in making the charges or in defending against them.

2) The Trial Committee shall select one of its members as Chairman. It shall also select a Secretary from among its members who shall prepare the official minutes of the hearing which shall be filed in the offices of Local 10. The official minutes or true copies thereof shall be made available for inspection in the offices of Local 10 by either the charging party or the accused upon their written request therefo True copies of the minutes shall be furnished if so requested in writing.

3) Should the Trial Committee find the accused or any of them guilty, any penalty which might be imposed shall not include disqualification as a candidate for Union office.

JA 148

AMALGAMATED LADIES' GARMENT CUTTERS' UNION

218 WEST 40th STREET NEW YORK, N.Y. 10018 • AREA CODE 212 695-0850

ABE DOLGEN
Manager-Sec'y

WILLIAM WEISS
Assistant Manager

NAT KLEIN
Sec'y-Executive Board

December 26, 1975

Mr. Raymond Cabel, #25777
2190 F[illegible]gham Street
Brooklyn, N.Y. 11229

Dear Sir and Brother:

You are hereby notified that the hearing held on December 18, 1975, was adjourned to January 8, 1976. It will be held at 6:30 P.M. on that day in the Council Room of Local 10 on the seventh floor, 218 West 40th Street, New York, N.Y. Please be present and on time with yo[illegible]witnesses.

Th[illegible]cision reached by the Trial Committee on December [illegible]8, 1975 was that you may not bring or use a tape recorder or any other electronic recording device at the hearing on January 8, 1976 or if the trial is continued, on any subsequent date. You are required to obey that ruling.

A copy of the minutes of the hearing on December 18, 1975, is enclosed.

Fraternally yours,

Harold Brodsky

Harold Brodsky, Secretary
Trial Committee

encl.
HB:sm
opeiu:153

Minutes of hearing - Dec 18, 1975

the trial committee consisting of the following
DAVID MITTLEMAN - CHAIRMAN
HAROLD BRODSKY - SECRETARY
MURRAY EDWIN
Sam BOCCASIO
FLEMMIE ADAMS
JERRY SIEDBAND - ALTERNATE
DAVE SIROTA - ALTERNATE
met this date at 6:30 P.M. at local 10 office, 218 W 40th St, N.Y. for the purpose of hearing charges preferred by Abe Dolgen as a member of local 10 against the following members of local 10 - OVIDIO VEGA - 17937
TOMAS ROSARIO - 26258
RAYMOND CABEL - 25777.

Brothers John Kurtz and David Spitzer stated that they represented the accused. Brother William Harris stated that he represented Brother Dolgen -

Then the Chairman read the decision from the General Executive Board of Oct 8, 1975 setting the conditions under which this trial will be held (letter attached)

Brother Harris raised objection to the presence of a recording device in the room which was in operation. The Chairman, after consulting with the committee, ruled that the recording device was out of order in the trial room and ordered the tape recorder to be removed.

The accused union members refused to remove said recording device. After consultation with the members of the trial committee the Chairman refused to continue the hearing with the recording device in the hearing room and adjourned the hearing for 3 weeks from Dec 18, 1951 for the purpose of giving the accused an opportunity to decide whether they will appear without a tape recorder and that if they persisted in bringing a tape recorder to the hearing on the adjourned date, the hearing will be held without them. Brother Harris then left the room.

A statement was about to be read on behalf of the accused, but the Chairman ruled that since the meeting had been adjourned, nothing further will be heard.

Respectfully submitted -
Harold Brotsky
Sec - Trial Committee.

SOL C. CHAIKIN
PRESIDENT
GENERAL SECRETARY-TREASURER

WILBUR DANIELS
EXECUTIVE VICE-PRESIDENT

E. HOWARD MOLISANI
FIRST VICE PRESIDENT

DAVID DUBINSKY
LOUIS STULBERG
HONORARY PRESIDENTS

GENERAL EXECUTIVE BOARD
SHELLEY APPLETON
MORRIS BIALIS
NICHOLAS S. BONANNO
ISRAEL BRESLOW
SIMON BRESNER
ABE DOLGEN
DAVID GINGOLD
SOL GREENE
MURRAY GROSS
SOL HOFFMAN
MATTIE JACKSON
SAM JANIS
EDWARD KRAMER
DOUGLAS LEVIN
HENOCH MENDELSUND
SALVATORE NOTO
JULIUS RAMIREZ
WILLIAM ROSS
EDWARD SCHNEIDER
MATTHEW SCHOENWALD
FREDERICK SIEMS
CORNELIUS WALL

Decision of General Executive Board, ILGWU, on Charges by Abe Dolgen against Tomas Rosario, Ovidio Vega and Raymond Cabel

Although the three accused members of Local 10 have failed to utilize their right under the ILGWU Constitution to appeal to the full General Executive Board of the ILGWU (GEB), from the attached decision of its Appeal Committee, the GEB, on its own motion, has reviewed that decision, pursuant to its authority under Article 23, Section 5, subd.(d), of said Constitution.

It is the decision of the GEB that because of the special circumstances surrounding the case, and the fact that the charges have already been heard twice by the Executive Board of Local 10, the charges shall be reheard de novo by a Trial Committee of Local 10, under the following conditions:

1) The Trial Committee shall be composed of rank-and-file members of Local 10 and shall consist of five (5) members and two (2) alternates selected by the membership of Local 10 at the next general membership meeting of the Local. Persons serving on the Trial Committee shall not have previously been involved in hearing the charges or in making the charges or in defending against them.

2) The Trial Committee shall select one of its members as Chairman. It shall also select a Secretary from among its members who shall prepare the official minutes of the hearing which shall be filed in the offices of Local 10. The official minutes or true copies thereof shall be made available for inspection in the offices of Local 10 by either the charging party or the accused upon their written request therefor. True copies of the minutes shall be furnished if so requested in writing.

3) Should the Trial Committee find the accused or any of them guilty, any penalty which might be imposed shall not include disqualification as a candidate for Union office.

JA 452

Minutes of ~~hearing~~ held Jan 8, 1976

The trial committee consisting of the following
David Mittleman - chairman
Harold Brodsky - secretary
Murray Edwin!
Sam Boccasine
Dave Sicota - alternate
Jerry Siedband - alternate.
(Florence adams was absent)
met this date at 6:35 PM at local 10 office
218 W 40th St NYC. for the purpose of
hearing charges preferred by Abe Dolgen as
a member of local 10 against the following
members of local 10.

Ovidio Vega - 17937
Tomas Rosario - 26258
Raymond Cabel - 25777.

It was noted by the Chairman that the
accused brought into the hearing room a
recording device. they had been told at the
hearing of Dec 18, 1975 that if they insisted on
having a recording device in the room, the
hearing would be held without them. they agaun
refused to remove the recording device and the
trial committee adjourned to another room in
the local 10 office without the accused.

The hearing was opened by chairman
Mittleman reading the charges as prepared by
Brother Abe Dolgen. (charges attached)

The first witness was Nat Roth - 16570.
He was asked by Brother Wm Harris (representing Brother
Dolgen) if he was present at approximately 9:30 AM
in the local 10 union hall and he answered yes.
Brother Harris asked him to read his statement

(signed statement of Brother Roth attached)

Brother Roth was asked by the Chairman if he had anything to add to his statement. He said no

Brother Roth was asked by committeeman San Bocassini if there were many union members on the floor at the time Brother Cabel was screaming in the hall. He said there were about 50 to 70 members present.

The next witness was Brother Abe Dolgen #12352

Brother Harris asked Brother Dolgen if he was in his office at approximately 9:30 AM on Jan 29, 1975

Brother Dolgen said he was. Brother Harris asked him to read his prepared statement. He proceeded to do so. STATEMENT attached.

The Chairman asked the witness if he had anything to add. Brother Dolgen said that as he had said in his statement he had not wanted anyone to be arrested. That when the Police Dept later called him and asked him to prefer charges against the two members who were arrested he did not do so.

The secretary of the committee asked Brother Dolgen what the accused were saying when as he stated they were screaming & arguing. He said that they were using vile & insulting language which he did not care to repeat.

The next witness was Brother Barnard Zionsky #16107. He was asked by Brother Harris if he had been in the managers office on Wednesday Jan 29, 1975 at approximately 9:30 A.M. if he had been called into the managers office that morning.

Brother Zionsky said that he had been

Brother Harris then asked him to read his statement (statement attached)

The Chairman asked Brother Zionsky if he had anything to add. Brother Zionsky said that he stood on his statement.

(3)

The next witness was Brother Nat Klein #253A. He was asked by Brother Harris if he had been present at approximately 9:30 AM on Jan 29, 1975 in the managers office. He answered yes. Brother Harris asked him to read his statement. (Statement attached)

The Chairman asked him if he had anything to add to his statement. He said no.

The next witness was Brother Edward Pastel #14329. He was asked by Brother Harris if he was in the managers office on Jan 29, 1975 at approximately 9:30 A.M.. He answered yes. Brother Harris asked him to read his statement. (Statement attached)

The Secretary asked what he meant by boisterous. He said they were yelling and that Brother Cable called Dolgen a racketeer among other things.

The next witness was Brother Marvin Glick #25482. He was asked by Brother Harris if he was in the managers office on Jan 29, 1975 at approximately 9:30 A.M.. He answered yes. Brother Harris asked him to read his statement. (Statement attached)

The Chairman asked him if he recalled where he was when Cable walked out. He said he was near the door in the managers office. When he went into the ante Room. He heard a lot of noise on the floor outside. He was asked by committeeman Dave Sorel if he heard what was being said on the floor. He said he could not make out the language.

The next witness was Stanley Schaller #0102643 Brother Harris asked him if he had been present on the union floor on Jan 29, 1975 at approximately 9:30 A.M. He answered yes. Brother Harris asked him to read his statement. (Statement attached)

Committee man Murray Edwin asked him what was said to him by Brother Cable. He said that Cable said to him - "We know who your family is". He also stated that when he later met Cable in the street, Cable used abusive language to him.

The next witness was William Wells #7167A. Brother Harris asked him if he was present in the managers office on Jan 29, 1975 at approximately 9:30 AM. He answered yes. Brother Harris asked him to read his statement. (Statement attached)

He was asked by the Chairman if he had anything further to add. He replied no, his statement just about covered it.

Brother William Harris #-6436, stated that with the evidence submitted, the trial committee should have no trouble reaching a verdict.

The Chairman ordered that the following be included in these minutes: Letter of Brother Rosario to Chairman Mittleman dated Dec 22, 1975 with enclosures: Letter of Chairman Mittleman to Brother Rosario dated Dec 24, 1975: Letters of Secretary Bradsby dated Dec 26, 1975 to each of the accused and the accuser, with copies of the minutes of the hearing of Dec 18, 1975 enclosed.

The Chairman instructed the committee to consider the evidence heard tonight so that a verdict could be reached at our next meeting. Meeting was adjourned at 7:45 P.M.

Respectfully submitted -

Harold Bradsby
Secretary - Trial Committee

Raymond Cabel was screaming in the Union hall. He told the men what are you a bunch of fucking lice - in other words he was trying to provoke the Union men to create a riot against Manager Abe Dolgen. Ray Cable stated the Union wasn't treating the men fairly. This angered me because this unemployment situation is a general standard in our country today.

Nat Roth
Ledger #16000

Nat Roth

On Wednesday, January 29, 1975, approximately 9:15, there was a knock on the window to my office. My secretary was not in yet so I answered the knock and saw Brothers Raymond Cabel, Ovidio Vega and Tomas Rosario. These three brothers said they wanted to see me concerning the referral of jobs.

After everyone entered my office, I called in Business Agent Bernard Zionsky. Brothers Cabel, Vega and Rosario told Business Agent Zionsky and I that they had been out of work and that they wanted me to give them jobs. Brothers Cabel, Vega and Rosario stated that they would stay in my office even if they had to fight, until I would tell them what I was going to do. Rosario stated to B.A. Zionsky and myself that you've got a sit in strike and they were not leaving. I repeatedly asked them to leave so that I could conduct my business.

I called in Ass't. Manager William Weiss and Secretary Nat Klein. B.A. Ed Pastel also came into my office to conduct some union business, as he does every morning. At this time, Brothers Cabel, Vega and Rosario had become boisterous; screaming and arguing with me. B.A. Mike Glick came into my office, as did B.A. Pastel, to conduct business. Again I repeated my request to please leave my office so that I could conduct business. Subsequently, every Officer and Business Agent asked Brothers Cabel, Vega and Rosario to please leave, other members were entitled to see or speak to their Manager.

Again I asked the three Brothers to leave to which they refused. I stated that if they wouldn't leave I would be compelled to call the police. All three Brothers refused and told me to go ahead and call the police. Reluctantly, I called the police. The Officers and

JA 458

Business Agents and I then proceeded into the secretary's office to wait for the police. Brothers Cabel, Vega and Rosario stayed in my office conversing.

Raymond Cabel left my office and went out onto the Union hall and started yelling. Brothers Vega and Rosario stayed in my office. The police arrived at approximately 10:00 a.m. The police and I talked in the secretary's office. I told them that Brothers Rosario and Vega refused to leave my office. The police asked me what did I want them to do. I stated that I did not want anyone arrested, just to leave my office so that I could conduct business. The police then spoke to Brothers Vega and Rosario and asked them to please leave the office, that no one wants to arrest them. The police asked them three times and each time they refused. The police then stated that if they did not leave they would have to be arrested. They replied, so lock us up. At approximately 10:10, Brothers Vega and Rosario were arrested and escorted out of my office.

A. Dolgen

Abe Dolgen, #12352

12352

On Wednesday, January 29, 1975, approximately 9:15, there was a knock on the window to my office. My secretary was not in yet so I answered the knock and saw Brothers Raymond Cabel, Ovidio Vega and Thmas Rosario. These three brothers said they wanted to see me concerning the referral of jobs.

After everyone entered my office, I called in Business Agent Bernard Zionsky. Brothers Cabel, Vega and Rosario told Business Agent Zionsky and I that they had been out of work and that they wanted me to give them jobs. Brothers Cabel, Vega and Rosario stated that they would stay in my office even if they had to fight, until I would tell them what I was going to do. Rosario stated to B.A. Zionsky and myself that you've got a sit in strike and they were not leaving. I repeatedly asked them to leave so that I could conduct my business. I called Asst. Manager William Weiss and Secretary Nat Klein. B.A. Ed Pastel also came into my office to conduct some union business, as he does every morning. At this time, Brothers Cabel, Vega and Rosario had become boisterous; screaming and arguing with me. B.A. Mike Glick came into my office, as did B.A. Pastel, to conduct business. Again I repeated my request to please leave my office so that I could conduct business. Subsequently, every Officer and Business Agent asked Brothers Cabel, Vega and Rosario to please leave, other members were entitled to see or speak to their Manager.

Again I asked the three Brothers to leave to which they refused. I stated that if they wouldn't leave I would be compelled to call the police. All three Brothers refused and told me to go ahead and call the police. Reluctantly, I called the police. The Officers and

Business Agents and I then proceeded into the secretary's office to wait for the police. Brothers Cabel, Vega and Rosario stayed in my office conversing.

Raymond Cabel left my office and went out onto the Union hall and started yelling. Brothers Vega and Rosario stayed in my office. The police arrived at approximately 10:00 a.m. The police and I talked in the secretary's office. I told them that Brothers Rosario and Vega refused to leave my office. The police asked me what did I want them to do. I stated that I did not want anyone arrested, just to leave my office so that I could conduct business. The police then spoke to Brothers Vega and Rosario and asked them to please leave the office, that no one wants to arrest them. The police asked them three times and each time they refused. The police then stated that if they did not leave they would have to be arrested. They replied, so lock us up. At approximately 10:10, Brothers Vega and Rosario were arrested and escorted out of my office.

Abe Dolgen

Abe Dolgen, #12352

12352

((JA 461

Wednesday, January 29, 1975

1/8/76

Approximately 9:15 A.M.

Brother Dolgen called me in on the above date and time into his office where I found Brothers Cabel, Vega and Rosario. They told Manager Dolgen and me that they had been out of work and that they wanted Brother Dolgen to give them jobs. Brothers Cabel, Vega and Rosario stated that they would stay in the office even if they had to fight until Manager Dolgen would tell them what he was going to do. Brother Cabel became very boisterous. Rosario stated to Manager Dolgen and B.A. Zionsky that you've got a sit in strike and they were not leaving. Brother Dolgen repeatedly asked them to leave so he could conduct his business. I also asked them to leave the Manager's office, but they refused. Brother Dolgen told them if they did not leave he would have to call the Police. They said "Go ahead and call the cops."

We went into the ante room where the Manager called the Police. The Police asked them to leave the office - they refused a number of times and then they were arrested.

Bernard Zionsky

JA 462

At approximately 9:30 Wednesday morning, January 29, 1975, I received a call to come into the Manager's office.

I went in and among the officers there, I saw Union members, Thomas Rosario, Raymond Cabel and Ovidio Vega.

Cabel was saying in a very loud voice, "I will not leave this office until you tell me what you are going to do."

Manager Dolgen told these three brothers that he wanted them to leave as he had other Union business to take up. The three brothers continued to sit in their chairs arguing, and refused to leave.

Brother Dolgen, Brother Weiss and all the officers present including myself asked these brothers to leave.

Rosario, Cabel & Vega refused to leave.

Manager Dolgen told them that if they did not leave voluntarily, he would have to call the police.

They answered, "Go ahead and call the police."

All the officers walked out of the Manager's office, into the ante room adjoining his office, and left Rosario, Cabel and Vega sitting in the Manager's office.

Manager Dolgen called the police to come to his office.

Rosario, Cabel and Vega held a conversation in the corner of the Manager's office, following which Cabel walked out of the office leaving Rosario and Vega sitting there, until 2 policemen came into the ante room where they spoke to the Manager.

The police asked the Manager what he wanted them to do.

Brother Dolgen told the 2 policemen that all he wanted was

for Rosario and Vega to leave his office, so that he could go on with his Union affairs.

The police walked over to Rosario and Vega and asked them to leave.

The 2 brothers refused to budge.

The patrolmen reasoned with Rosario and Vega a number of times telling them if they did not leave of their own accord they would be forced to arrest them.

The policemen were not successful in getting Rosario and Vega to leave peacefully and finally removed them from the Manager's office by arresting them.

Nat Klein

Nat Klein

JA 464 Jan 1, 1974

On Wednesday, January 29, 1974 at approximately 9:25 A.M., I went to Manager Abe Dolgen's office to discuss a problem in a Local 23 shop. As I approached the door to the Manager's office, I heard loud voices, and as I entered the Manager's office, I saw Ray Cable, Thomas Rosario and Ovidio Vega sitting in the office. Brother Cable was speaking in a loud voice and badgering those officers who were also in the Manager's office. These officers were Abe Dolgen, Nat Klein, Bill Weiss and Bernard Zionsky. As I entered, Brother Dolgen asked the 3 brothers to please leave his office because he had Union business to discuss and they were preventing him from conducting such business. All 3 brothers, Rosario, Vega and Cable refused to leave. Each officer including myself asked them in a very nice way to leave the manager's office because we had to discuss Union problems with the manager and couldn't do so because of their presence. They consistently and steadfastly refused to leave. After 15 minutes or so, Manager Dolgen again asked them to leave or they would compel him to call the Police to evict them. All 3, Rosario, Vega and Cable told Mgr. Dolgen to go ahead and call the Police, because they were not going to leave. Brother Cable was especially insulting and boisterous. All the officers left Mgr. Dolgen's office and went into the ante room (where Brother Dolgen's secretary works) at which point Brother Dolgen called the Police for assistance. Cable left the office at this point and started to yell and scream on the floor outside. In a short time, 2 policemen arrived and asked Brother Dolgen what the problem was. He explained to the policemen that he did not want the 3 members arrested, but only that they leave his office so he may continue to conduct the important business of our Union.

JA 465

3 or 4 times, the policemen asked Brothers Rosario and Vega to leave and 3 or 4 times the brothers refused. One policeman informed Rosario and Vega that if they did not leave, they would be forced to arrest them. Their answer was - so arrest us. They were handcuffed together - all smiles, and as they left Manager Dolgen's office, they raised their hands high to the members on the floor and said see what they did.

E. Pastol

E. Pastol

JA 466

On Wednesday, Jan. 29, at approximately 9:30 A.M. I entered Manager Abe Dolgen's office to take up some problems in the Dress Dept. Present in the office were Mgr. Abe Dolgen, Asst. Mgr. Bill Weiss, Sec'y Nat Klein, Business Agents Bernard Zionsky, Ed Pastel, Brother Tomas Rosario, Brother Raymond Cable and Ovidio Vega. At the time that I walked in, Asst. Mgr. Bill Weiss was talking to Brother Vega and asking him to leave the office of the manager. Vega answered that he was staying till he got a job. Brother Cable did most of the talking and was abusive and boisterous stating that they would not leave the office of the manager. The 3 brothers were asked to leave by the manager and others but they refused. Manager Dolgen stated that they were forcing him to call the Police Dept. because he had business to take up and they would not leave. Brother Cable said do what ever you want, call the police, we are not leaving. At this point, Mgr. Dolgen went to his secretary's office and called the police. Brother Cable walked out of Mgr. Dolgen's office. Brothers Rosario and Vega remained. Within a few minutes you could hear a disturbance on the floor of the Local. In approximately 15 to 20 minutes, two police officers arrived and spoke to Brothers Rosario and Vega. The policeman asked Brother Rosario and Vega to leave the office of the Manager. They refused. The officer explained to the two brothers that if they did not leave voluntarily, they would have to take them out. Brothers Rosario and Vega still refused to leave. So the officers handcuffed them both and took them out of the office of Manager Dolgen.

Marvin Glick

Marvin Glick

JA 467

January 29, 1971

About 9:45 A.M.

Raymond Cable was in the Union shouting, cursing and making a nuisance annoying every one. He accused the Union of taking bribes from the cutters and bosses. He called the cutters mice and the agents lice. He said when will you stop taking it from the lice behind the doors. Vote for us next election and there will be a change.

I answered him, you are trying to destroy the Union like you destroyed others.

12:00 Noon

Raymond Cable tried to get me into another argument and became abusive. He said something about my family, possibly threatening.

Stanley Schaller
#2642

Stanley Schaller

On January 29, 1975, at approximately 9:30 A.M., Manager Dolgen called me into his office. There I saw Brothers Cabel, Rosario and Vega shouting in a very loud voice. I asked what was all the noise. They said that this is a "sit-in." Secretary Nat Klein and business agent Zionsky were present in the room when I arrived. While all this was going on business agents Pastell and Glick came into Manager Dolgen's office to take up business pertaining to Local 10. All of us, being aware of what was going on, repeatedly pleaded with Brothers Cabel, Rosario and Vega to leave the office so that the business of Local 10 could be transacted. They refused to do so. Manager Dolgen told them several times to leave the office and to permit him to conduct the Union business of the day. They shouted back that they were sitting in and that they would not leave the office. Manager Dolgen then told them if this action continued he would call the police to remove them. Brother Cabel then left Brother Dolgen's office before the police arrived. When the police came, Brother Dolgen told them that he wanted Rosario and Vega to leave his office so that he could conduct the work of the Local and that both of them had refused to do so. He specifically told the police that he did not want Rosario and Vega arrested, just to leave his office so that he could continue to conduct Union business. Brother Rosario and Vega were then asked several times by the police to leave the room and when they refused to do so were told by the police that if they did not leave the office they would arrest them. They once again refused. Then the police arrested them and escorted them out of the office.

William Weise

JA 469

Tomas Rosario
1291 Spofford Ave. Apt. 6-B
Bronx, N.Y., 10474

December 22, 1975.

Mr. David Mittleman
c/o Nat Klein
Secretary Executive Board
Local 10, I.L.G.W.U.
218 West 40th Street
New York, N.Y., 10018

Dear Sir and Brother:

On December 18, 1975, at the Council Room of Local 10, after you officially gave the call for the trial hearing, and you read the letter and Decision of the General Executive Board, I.L.G.W.U., you recognized brother Bill Harris, the representative for the accuser Manager Abe Dolgen, and he presented his oral arguments and objections without any interruption.

But you ignored our representative's request to raise an issue on the arguments and objections presented by the accuser's representative, denying us the right to make a rebuttal, and you also refused to accept our written statement.

You arbitrarily adjourned the hearing that had been schedule that date without allowing us or our representatives to speak or even submit a written statement.

On behalf of myself and my fellow defendants I therefore submit the enclosed statement and ask that it be made a part of the record of the hearing.

Also, on behalf of all defendants I protest that the adjournment was designed and carried out for the purpose of harassment and intimidation.

I also enclose photostatic copies of my letters to Nat Klein and James Lipsig, requesting photostatic copies of the official minutes of certain proceedings. These minutes are necessary in our preparation of a defense to the charges against us.

Although demands has previously been made by defendants for copies of minutes of certain proceedings, in advance of the trial hearing, they have not yet been supplied.

Accordingly, we repeat our demand that such minutes be supplied to us in advance of the arbitrarily-adjourned hearing.

We await your response to this request and await also your notification as to the date the trial hearing will be held.

Fraternally;

Tomas Rosario

Tomas Rosario #26238

Enclosures.

December 10, 1975

STATEMENT TO THE THIRD TRIAL COMMITTEE
TO TRY US ON DOLGEN'S CHARGES

JA 470

For the third time we appear for a Moscow- style trial hearing on the charges filed against us by Dolgen. Dolgen's charges against us are nothing but lies and we are not guilty. Nevertheless, we have already been twice convicted by Dolgen's kangaroo courts and twice suspended from union activities as disciplinary punishment. The first such suspension went into effect after the hearing of February 25,1975 and remained in effect for two months, until April 28, 1975. The second went into effect after the second kangaroo proceeding of May 21, 1975 and so far as we know it is still in effect.

Theoretically, this Trial Committee was to be selected by the membership of Local 10. But in reality the membership had no real say in choosing it. Its selection was rigged by Dolgen. No notice of the membership meeting of November 24, 1975 was sent out to members. Notice was not even posted on the Local's bulletin board until a week before the meeting. And though notice was printed in the English-language edition of "Justice", it was deliberately omitted from the Spanish- and Italian- language editions. As a result, barely 125 members were present at the meeting. And at the meeting, the members were denied the right to vote by secret ballot. Instead, Dolgen imposed a hand-voting procedure, in which he and the business agents were allowed to intimidate members.

We have demanded copies of the minutes of our previous trials and appellate hearings. We have been denied them. In preparation for this hearing -- and in order to prepare for it -- we have requested copies of the minutes of the previous trials and of the membership meetings and executive board meetings at which the charges against us have been considered and/or reported upon. We have been denied them. As a result we have been denied a fair opportunity to prepare for this trial hearing.

We protest the rigged manner in which this Trial Committee was chosen and the denial to us of minutes of previous trials and meetings which are necessary to us in preparation for this hearing.

At previous trials and appellate proceedings there has been no competent stenographer present and we have been denied the right to tape record the proceedings or to bring a competent stenographer with us. Since we have been denied such right, and expect to be denied the right to have a stenographer record the proceedings, we have not gone to the expense of hiring a stenographer on this occasion. However, each of us demands and insists upon the right to bring a tape recorder and to record the proceedings thereon. On the past, "official" minutes of these proceedings have been "doctored", i.e., falsified. We know, judging by our past experience, that whatever minutes are taken by you they will be treated as the "record" of these proceedings on any appeal within the labor organization.

We are bringing with us a tape recorder so that we may take an accurate record of the proceedings. We are not interfering with the

taking of official notes by the Trial Committee's Secretary. We insist upon our right to make our own record in order to protect ourselves against falsification and/or innocent errors in those official notes, which in the past have been"doctored", i.e., falsified.

Accordingly, we insist upon our right to have these proceedings recorded by us on a tape recorder; such right to make a full and accurate record of proceedings is inherent in the concept of a fair trial.

Having previously experienced the Moscow-style trials conducted by the present officialdom of Local 10, none of us expects a fair trial by you. Nevertheless each of us intends to exercise and exhaust all reasonable remedies available to us within the labor organization. Each of us protests, however, that the disciplinary harassment of us is being carried on as an attempt by Dolgen and his stooges to intimidate rank-and-file members of Local 10 in the exercise of their Union rights.

Dolgen's charges against us are lies. He in effect admitted that they are lies when, after demanding that the police arrest two of us on substantially the same charges (and demanding that they arrest the third of us if only they could find him), Dolgen failed to show up in court to testify under oath, in front of a judge that he could not manipulate, in support of those charges.

Each of us denies the charges. Specifically, each of us denies that he ever "took possession" of any local 10 office or "obstructed" or "interfered with" the business of Local 10 or of any business agent, or refused lawful orders, or sought to provoke physical action against anyone. Dolgen's charges are lies and Dolgen himself is a liar, who lacks the courage to stand up in court in support of his charges.

Dolgen is using you to harass us because he is not man enough to face a court of law. Go ahead, conduct your hearing.

Tomas Rosario
TOMAS ROSARIO
Ledger #26288.

Raymond Cabel
RAYMOND CABEL
Ledger # 25777

Ovidio Vega
OVIDIO VEGA
Ledger # 17937

December 18, 1975.

Tomas Rosario
1291 Spofford Ave. Apt. 6-B
Bronx, N.Y., 10474

December 22, 1975.

JA 472

Mr. Nat Klein
Secretary Executive Board
Local 10, I.L.G.W.U.
218 West 40th Street
New York, N.Y., 10018

Dear Sir and Brother:

In the matter of the charges preferred by Manager Abe Dolgen on February 10, 1975 and May 8, 1975 against Ovidio Vega, Raymond Cabel and Tomas Rosario, the undersigned request photostatic copies of the following minutes:

1. Photostatic copy of the minutes taken by brother Nat Klein at the trial held on Tuesday, February 25, 1975.

2. Photostatic copy of the minutes taken by brother Milton Strikler at the trial held on Wednesday, May 21, 1975.

3. Photostatic copy of the minutes taken by brother Nat Klein at the Local 10 General Membership Meeting held on Monday, November 24, 1975, at the Statler-Hilton Hotel, in the matter of the election of the Trial Committee by the membership of Local 10, by Decision of the General Executive Board, I.L.G.W.U. rendered October 8, 1975.

4. Photostatic copy of the minutes taken by brother Harold Brodsky, Secretary of the Trial Committee, at the hearing held on December 18, 1975.

These minutes are necessary for the undersigned to have a fair opportunity to prepare and present a defense at the next trial which will be held in three weeks, according to decision of adjournment by brother David Mittleman at the trial held on December 18, 1975.

Please, reply to us inmediately, by mail to Tomas Rosario, at the address given at the head of this letter.

Fraternally,

Tomas Rosario
Ledger #26238

Raymond Cabel
Ledger #25777

Ovidio Vega
Ledger #17937

Tomas Rosario JA 573
1291 Spofford Ave., Apt. 6-B
Bronx, N.Y., 10474

December 22, 1975.

Mr. James Lipsig
Assistant Executive Secretary
International Ladies' Garment Workers' Union
1710 Broadway
New York, N.Y., 10019

Dear Sir and Brother:

In the matter of the charges preferred by Manager Ace Dolgen on February 10, 1975 and May 8, 1975 against Ovidio Vega, Raymond Cabel and Tomas Rosario, the undersigned request photostatic copies of the minutes taken by you at the GEB Appeal Committee's hearings held on Tuesday, April 8, 1975 and on Tuesday, July 22, 1975 in the Council Room at the General Office, 1710 Broadway.

These minutes are necessary for the undersigned to have a fair opportunity to prepare and present a defense at the next trial which will be held in three weeks, according to decision of adjournment by the chairman, brother David Littleman, at the trial held on December 18, 1975.

Please reply to us immediately, by mail to Tomas Rosario, at the address given at the head of this letter.

Fraternally,

Tomas Rosario
Ledger #26238

Raymond Cabel
Ledger #25777

Ovidio Vega
Ledger #17937

2838 202nd Street
Bayside, N.Y. 11360
December 24, 1975

Mr. Tomas Rosario
1291 Spofford Avenue Apt. 6B
Bronx, N.Y. 10474

Dear Brother Rosario:

I have received your letter of December 22, 1975 and this is my answer to it.

Some of your statements are not true. I did not act arbitrarily at any time.

In the first paragraph of your letter you write that "brother Bill Harris, the representative for the accuser Manager Abe Dolgen" was recognized by me and "presented his oral arguments and objections without any interruption". In the first place, the charges against you and Brothers Vega and Cabel, a copy of which I have, were made against you by Brother Dolgen as a member of Local 10. In the second place, all Brother Harris stated at the meeting was that he represented Brother Dolgen in the case. I acknowledged this statement just as I did the statement by Brothers Kurtz and Spitzer that they represented you and Brothers Vega and Cabel.

Then Brother Harris asked me to read the October 8, 1975 decision of the General Executive Board ordering a new trial for the three of you. I did so. Brother Harris then called the attention of the Trial Committee to the fact that you had a tape recorder in front of you which was in operation and stated that only the Secretary of the Trial Committee could take the official minutes of the meeting and asked the Trial Committee to order that the tape recorder be removed from the hearing room.

After conferring with the other brothers of the Trial Committee, I ruled, in accordance with their decision, that the tape recorder would have to be removed from the hearing room, otherwise, the hearing would not go on. You did not remove the tape recorder. After conferring again with the other members of the Trial Committee, I adjourned the meeting of the hearing three weeks from December 18, 1975 to give you an opportunity to decide whether you would

proceed with the hearing without a tape recorder or any other electronic recording device and advised you that if you again produced a tape recorder or any other electronic recording device, the hearing would proceed in the absence of the accused.

It was after the meeting had been adjourned that you proposed to read a Statement, the contents of which I then did not know but a copy of which you enclosed in your letter to me. Since the meeting had already been adjourned and Brother Harris had already left the hearing room and your tape recorder was still in motion, I refused, with the consent of the other Trial Committee members, to hear your Statement.

Your Statement, therefore, will not be made part of the minutes of the meeting of the Trial Committee held on December 18, 1975.

If on January 8, 1975, the adjourned date of the hearing, you and the other accused come to the hearing without a tape recorder or any other electronic recording device, your Statement will certainly be listened to by the Trial Committee. And if you request, it will be made part of the record of that hearing. However, if you and the other accused refuse to be cross-examined on it, I cannot now know what weight the Trial Committee will give it.

I cannot go into the question, at this time, of the minutes you require of Brothers Klein and Lipsig. Neither I nor the Trial Committee can make any ruling until we hear the arguments why these documents are necessary to prepare for a new trial and why the minutes requested have been refused. Our Trial Committee will make this ruling only if you appear at the adjourned hearing without a tape recorder or any other electronic recording device and after we hear the arguments.

The trial hearing in your case has been adjourned to January 8, 1975, at 6:30 P.M. in the Local 10 Council Room on the seventh floor, 218 West 40th Street, New York, N.Y. 10018.

Fraternally yours,

David Mittleman

Dave Mittleman, Chairman
Trial Committee

cc: Ovidio Vega
Raymond Cabel

JA 476

Minutes of the Trial Committee - Jan 29, 1976

The trial committee consisting of the following — David Mittleman - Chairman
Harold Brodsky - Secretary
Murray Edwin
Sam Boccasini
Dave Sirota - alternate
met this date at 6:30 P.M. at Local 10 office, 218 W 40th St, N.Y.C. for the purpose of coming to a decision concerning the charges preferred by Brother Abe Dolgen, a member of Local 10, against the following members of Local 10.—

Orlito Vega 17937
Tomas Rosario 26288
Raymond Cabel 25777

Brother Flemmie Adams had not been present at the hearing of Jan 28, 1976, at which time the evidence was heard, was excused. Brother Jerry Siedband, alternate, was excused.

The Secretary stated that he and Chairman Mittleman prepared a draft of a decision in the case, copies of which had been photostated and distributed to the four members and one alternate who had been present at both meetings of the trial committee. Chairman Mittleman then read aloud the draft of the decision. There was general discussion with respect to the first charge, in which all the members of the trial committee participated. Brother Boccasini made a motion which was seconded by Brother Sirota that the draft decision be adopted with respect to the first charge that Brothers Rosario and Vega are suspended from the right to and are barred from attending and participating in any and all membership Meetings of Local 10 for a period of 6 months from Jan 8, 1976. A vote was taken and the motion was unanimously passed.

Brother Boccasini made a motion which was
seconded by Brother Sirota that the draft decision
e adopted with respect to the first charge that
rother Cabel is suspended from and the right to
nd is barred from attending and participating in
ny and all Membership Meetings of Local 10 for
a period of 12 months from Jan 8, 1976. A vote
as taken and the motion was passed by a
ote of 4 to 1. In the discussion, the dissenter
tated that he believed Brother Cabel was guilty
ut that he thought he should be warned not to
ommit the same or similar act again, and if he
did, he should then be suspended.

With respect to the second charge against
Brother Cabel, that he "sought to provoke physical
ction against the elected administration of Local 1
y members of Local 10 who were in such waiting
oom", Brother Sirota made a motion which
was seconded by Brother Boccasini that the
charge not be sustained. a vote was taken
and this motion was unanimously passed.

Upon motion duly made and seconded,
the draft decision as prepared by Chairman
ittleman and Secretary Brodsky was adopted as
he decision of the Trial Committee.

Respectfully submitted

Harold Brodsky
Secretary - Trial Committee

Decision of the Local 10 Trial Committee

We, the undersigned were elected at a membership meeting of Local 10 on Nov 24, 1975, as a trial Committee to hear and decide "De Novo" charges made on Feb 10, 1975 and repeated on May 8, 1975, by Brother Abe Dolgey against Brothers Tomas Rosario, Ovidio Vega and Raymond Calle because of their conduct on Jan 29, 1975, claimed to be in violation of the Constitution of the I. L. G. W. U. A copy of the charges and a copy of the decision of the General Executive Board of the I. L. G. W. U. dated Oct 8, 1975, was delivered to us by Brother Nat Klein, Secretary-Executive Board of Local 10.

Notice of the hearing was sent to the accused and the accused to appear for trial on Dec 15, 1975, with their witnesses. When the hearing opened, the Chairman read the decision of the General Executive Board of the I. L. G. W. U. which set the ground rules for the hearing. It was observed that the accused had brought with them to the hearing room a recording device which they had set in motion. The Chairman, after conferring with members of the Trial Committee and receiving their unanimous consent, ruled that the recording device was out of order in the trial room and ordered the tape recorder to be removed. The accused refused to remove it. The Trial Committee decided and the Chairman advised the accused that the hearing would not continue with the recording device in the hearing room and adjourned the hearing for three weeks, for the purpose of giving the accused an opportunity to decide whether they would appear without a tape recorder. The accused were advised that if they persisted in bringing a tape recorder to the hearing on the adjourned date, the hearing would be held without them.

The adjourned hearing was set for Jan 8, 1976, and notice was given to the accused and the accused to appear with their witnesses on that day. In the meantime, on

Dec 22, 1975, Brother Rosario sent a letter to the Chairman of the Committee to which he attached a "Statement to the third trial Committee to try us on Dolgens charges" dated Dec 18, 1975, signed by all three accused; a letter dated Dec 22, 1975 sent to Brother Nat Klein, Secretary-Executive, signed by all three accused, requesting certain information; and a letter sent to Brother James Lipsig, Assistant Executive Secretary, signed by all three accused, requesting certain information. Also, on Dec 26, 1975, the Secretary of the trial Committee sent letters to the accuser and the accused in which he advised them of the date, time and place of the adjourned hearing and in which he stated that "the decision reached by the trial committee on Dec 18, 1975, was that you may not bring or use a tape recorder or any other electronic recording device at the hearing on Jan 8, 1976, or, if the trial is continued on any subsequent date. You are required to obey that ruling". These letters and the statement together with the Chairmans reply were made part of the minutes of the hearing of Jan 8, 1976.

When the hearing began the evening of Jan 8, 1976, it was noted by the Chairman that the accused again brought into the hearing room a recording device and that they had been told at the hearing of Dec 18, 1975, that if they insisted on having a recording device in the room, the hearing would be held without them. They again refused to remove the recording device and the trial committee adjourned to another room in the local 10 offices to hear the charges without the accused being present.

On the basis of the evidence before us in the trial which we held, including the statement signed by the three accused, dated Dec 18, 1975, we unanimously sustain Brother Dolgens charge that Brothers Rosario Vega and Cabal on Jan 29, 1975, staged a sit-down in the office of the Manager of Local 10, that after stating their

business with him, they refused to leave his office upon repeatedly being requested to do so and that they obstructed local 10 and interfered with it in the performance of its duties and functions. We unanimously find that Brother Dolgen had to call the police to remove the three accused Brothers from his office, that it was only then that Brother Cabel left the office and went into the outside waiting room where many cutters were present and made statements against the officers of Local 10. Brothers Rosario and Vega continued to remain in the office of the Manager until they were removed by the police. We unanimously find that Brother Dolgen did not order their arrest and that he did not sign any complaint in any court against them.

We unanimously decide that Brothers Rosario and Vega are suspended from the right to and are barred from attending and participating in any and all Membership Meetings of Local 10 for a period of 18 months from Jan 8, 1976; and that Brother Cabel, who left the managers office earlier than the others when the police were called, is suspended from the right to and is barred from attending and participating in any and all Membership Meetings of Local 10 for a period of 12 months from Jan 8, 1976; that in all other respects, Brothers Rosario, Vega and Cabel shall have full rights of membership and shall not be disqualified from being a candidate for any office in Local 10 or in the I.L.G.W.U.

We unanimously do not sustain the additional charge of Brother Dolgen against Brother Cabel, that in the waiting room he sought to provoke physical action against the elected administration of Local 10 by members of Local 10 who were in such waiting room". Although he behaved disorderly and his language against the officers of Local 10 was obscene and unbecoming to a

member of Local 10, the evidence does not establish provocation to physical action.

Jan 29, 1976

David Mittleman
CHAIRMAN – TRIAL COMMITTEE

Harold Brodsky
SECRETARY - TRIAL COMMITTEE

Murray Edwin
MEMBER - TRIAL COMMITTEE

Saul Boccasini
MEMBER – TRIAL COMMITTEE

David Sirita
ALTERNATE MEMBER - TRIAL COMMITTEE

Exhibit 19

JA 482

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------x

TOMAS ROSARIO, OVIDIO VEGA and RAY CABEL,

Plaintiffs,

-against-

AMALGAMATED LADIES' GARMENT CUTTERS' UNION, LOCAL 10 of I.L.G.W.U. and INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO,

Defendants.

----------x

76 Civ. 3204 (CBM)

AFFIDAVIT OF JAMES LIPSIG

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

JAMES LIPSIG, being duly sworn, deposes and says:

1. I am Assistant Executive Secretary of the defendant International Ladies Garment Workers' Union, AFL-CIO (hereafter "ILGWU"), and Secretary of the Appeal Committee of the ILGWU General Executive Board (hereafter "the Appeal Committee"). I have served in these positions for 28 years. During these years there have been numerous cases involving disciplinary proceedings in which I participated. I am thoroughly familiar with the procedures employed in these many cases. I am also familiar with the facts and proceedings herein. I am also an attorney duly admitted to practice in New York State and before various federal courts, including this Court.

2. I make this affidavit in support of ILGWU's motion for summary judgment and in opposition to plaintiffs' application for a preliminary injunction.

3. The Constitution of ILGWU (hereafter "the Constitution"), is also the constitution and by-laws of defendant Local 10 pursuant to Article 1, Section 3 of the Constitution. Pursuant to Article 2, Section 1 of the Constitution, the highest authority of ILGWU is the convention; and between conventions the ILGWU General Executive Board (hereafter "the GEB"), is the highest authority pursuant to Article 3, Section 1 of the Constitution. Under Article 35, Section 1 of the Constitution,

interpretations of the Constitution by the GEB are binding upon the membership unless reversed by the convention. A copy of the Constitution is attached hereto as Exhibit "A."

4. Under the Constitution, members of a local may appeal a decision of the grievance committee of the local to the Appeal Committee. The decision of the Appeal Committee is reviewable by the entire GEB on its own motion. Decisions of the Appeal Committee which are not reviewed by the entire GEB and decisions of the GEB may be reviewed by the convention. The foregoing is provided for under Article 23, Section 5 of the Constitution.

5. Under Article 22, Section 2 of the Constitution, trials and proceedings of grievance, trial or appeal committees are recorded by a secretary of the committee who takes non-verbatim, official minutes in the same manner that official minutes are taken by a secretary of the Union at a Union meeting. The minutes are then filed in the Union office. To my personal knowledge, this procedure has been followed, without exception, over the more than 28 years of my ILGWU employment. It was also followed in the disciplinary proceedings herein.

6. The disciplinary proceedings herein have been the subject of three hearings on the Local Union level and three appeals to the Appeal Committee. The first decision of the Local 10 Executive Board sitting as a grievance committee was reversed by the Appeal Committee in April 1975, and the case was remanded back to the Local 10 Executive Board sitting as a grievance committee for a full rehearing. The second decision was appealed to the Appeal Committee by letters dated June 23 and July 14, 1975. Among other things, plaintiffs complained that the trial body was composed of persons who had participated in the previous trial body and that they were denied the right to use an electronic device to record the proceedings of the trial body. This appeal was decided by the Appeal Committee on July 22, 1975, and a copy of its decision was sent to plaintiffs on July 28, 1975. The Appeal Committee sustained the second decision of the Local 10 Executive Board sitting as a grievance committee, finding no merit in plaintiffs' contentions that the Local Executive Board

an electronic recording of the hearing. It held that "Under our Constitution, there is only one official record of a disciplinary proceeding prepared by the secretary of a trial or appeal body. The wisdom of this rule has been corroborated by the evidence in recent public history of the manner in which 'tapes' can be manipulated." Copies of the decision of the Appeal Committee and of the letter of transmittal to plaintiffs are attached hereto as Exhibits " B " and " C ."

7. On October 8, 1975, on its own motion, the GEB decided "that because of the special circumstances surrounding the case, and the fact that the charges have already been heard twice by the Executive Board of Local 10, the charges shall be reheard de novo by a trial committee of Local 10, under the following conditions:

"1) The Trial Committee shall be composed of rank-and-file members of Local 10 and shall consist of five (5) members and two (2) alternates selected by the membership of Local 10 at the next general membership meeting of the Local. Persons serving on the Trial Committee shall not have previously been involved in hearing the charges or in making the charges or in defending against them.

"2) The Trial Committee shall select one of its members as Chairman. It shall also select a secretary from among its members who shall prepare the official minutes of the hearing which shall be filed in the offices of Local 10. The official minutes or true copies thereof shall be made available for inspection in the offices of Local 10 by either the charging party or the accused upon their written request therefor. True copies of the minutes shall be furnished if so requested in writing.

"3) Should the Trial Committee find the accused or any of them guilty, any penalty which might be imposed shall not include disqualification as a candidate for Union office."

Copies of the decision of the GEB and of the letter of transmittal to plaintiffs are attached hereto as Exhibits " D " and " E ."

8. By letter to me dated December 22, 1975, plaintiffs requested copies of the minutes of the two previous Appeal Committee hearings which had now been vacated by decision of the GEB "to prepare and present a defense" at the trial committee hearing. The request for minutes of these earlier, vacated proceedings was denied by letter dated December 24, 1975, on the following grounds:

"The copies of the minutes which you seek are of hearings resulting in decisions of the GEB Appeal Committee which, like the hearings and decisions of the Local 10 Grievance Committees which preceded them, were reversed and nullified by the General Executive Board in its decision rendered October 8, 1975. In order to insure a fair hearing under the special circumstances surrounding this case, the October 8, 1975 decision of the GEB ordered a hearing de novo by a Trial Committee of rank and file members of Local 10 selected by the Local's membership and composed of persons who had not previously been involved with the charges.

"In the interest of a fair, impartial, and genuinely de novo hearing on the charges, the Trial Committee hearing ordered by the GEB, which you are apparently now preparing to attend, should be entirely separated from the hearings and decisions which preceded it; the Trial Committee should in no way be influenced or give the appearance of being influenced by the earlier hearings. Accordingly, your request for access to the minutes of the earlier hearings of the GEB Appeal Committee is hereby denied."

Copies of plaintiffs' December 22nd letter and of the December 24th response are attached as Exhibits "F" and "G."

9. Plaintiffs appealed the decision of the Local 10 trial committee to the Appeal Committee by letter dated February 7, 1976, and on March 17, 1976, plaintiffs were advised of a hearing on their appeal scheduled for April 8, 1976, at which they could appear and present "whatever evidence, documentation or witnesses you desire to present in support of your appeal . . . . " A copy of the March 17, 1976 letter to plaintiffs is attached hereto as Exhibit "H."

10. On April 8, 1976, plaintiffs appeared before the Appeal Committee together with their representatives. Thereupon, they set up on the table in front of them two tape recorders which they put into operation. The Chairman of the Appeal Committee thereupon advised them to shut off the tape recorders. (This is the second time that plaintiffs had been so informed by the Appeal Committee.) He also advised them that the minutes of the hearing of the appeal would be filed with the ILGWU General Office by the Secretary of the Appeal Committee and that copies would be given to any party upon request and would be available to all parties for inspection and corrections. Plaintiffs refused, nevertheless, to remove the tape recorders. Plaintiffs also contended that there was a precedent for their use of a tape recorder because a public stenographer had been used some years back in another case. The Chairman

ruled that at no stage in the proceedings or at this time had plaintiffs made any request for the use of a public stenographer in the hearings and he distinguished between a public stenographer and tape recorders which can be doctored. Plaintiffs again refused to turn off the tape recorders. After a fifteen minutes recess, the hearing was reopened and plaintiffs were afforded still another opportunity to proceed with the hearing based upon the official minutes but without the tape recorders. Plaintiffs refused, for the third time, to comply with the ruling and the appeal hearing was thereupon adjourned after plaintiffs were requested to let the Committee secretary know if they changed their minds and were ready to proceed with the appeal based upon the ruling of the Appeal Committee.

11. When no further word was received from plaintiffs, I wrote to plaintiffs on May 6, 1976, and reminded them that they had been requested by the Chairman to advise the Appeal Committee if they were willing to proceed with the appeal and abide by the April 8th ruling of the Committee. A copy of said letter is attached as Exhibit "I."

12. Plaintiffs responded by letter dated May 11, 1976, in which they denied any knowledge of a ruling by the Appeal Committee. They stated: "The only 'ruling' made by the Appeal Committee, at its April 8, 1976 hearing, was its arbitrary decision to adjourn the hearing sine die." A copy of plaintiffs' May 11th letter is attached as Exhibit "J."

13. I responded to plaintiffs' May 11th letter by letter dated May 28, 1976. I informed them that the ruling to which I referred in my May 6th letter "is that there can be only one record of the Appeal Committee hearing, and that is the official set of minutes taken by the Secretary to the Appeal Committee. Accordingly, tape recording the hearing, as you were doing, will not be permitted." I also advised that the hearing would be resumed if they advised that they would comply with the ruling not to use tape recorders. I also again advised plaintiffs that they would receive official copies of the minutes and the Appeal Committee would entertain requests for changes in the minutes. A copy of the May 28th letter is attached as Exhibit "K."

14. Plaintiffs responded to the May 28th letter by their letter of June 5, 1976. They did not advise that they would abide by the ruling of the Appeal Committee on use of the tape recorders. Instead, they chose to interpret the plain language of my May 28th letter as barring them from making notes for their own use. A copy of plaintiffs' June 5th letter is attached as Exhibit "L."

15. I responded by letter dated June 11, 1976, in which I assured plaintiffs that nothing in my letter suggested that they would be barred from making such notes as they chose to make. I also repeated what I had said in my May 28th letter that the Appeal Committee was ready to resume hearing the appeals upon being advised that plaintiffs would comply with its ruling not to tape record the hearing. A copy of the June 11th letter is attached as Exhibit "M."

16. Plaintiffs have not responded to my June 11th letter and have failed to appear for a hearing of their appeal. The Appeal Committee stands ready, as they always have, to hear plaintiffs' appeal upon being advised by plaintiffs that they will comply with the aforesaid rulings of the Appeal Committee. But, instead of appearing for a hearing of their appeal, plaintiffs have commenced this lawsuit without exhausting reasonable hearing procedures within a four-month period.

17. Under Article 21, Section 12 of the Constitution, charges against the GEB are required to be processed by referral to the convention. Plaintiffs' complaint against the ILGWU in this action constitutes charges of misconduct against the GEB; but plaintiffs have never filed the charges required under the Constitution. Clearly, therefore, plaintiffs have failed, for this additional reason as well, to exhaust reasonable hearing procedures before instituting this action.

18. Plaintiffs have been afforded the right to a full and fair hearing but have chosen, by their own actions, not to avail themselves thereof as required by law; and they have failed to exhaust reasonable hearing procedures before instituting this action, as required by law.

19. One final observation: plaintiffs have moved for a temporary injunction restraining ILGWU, as well as Local 10, "from giving any force or effect to the

disciplinary punishment . . . imposed upon them by the Trial Committee of defendant Local 10 on or about January 29, 1976, ..." The ILGWU sits only as an appellate body in such proceeding to review actions of grievance or trial committees. It did not impose any disciplinary punishment upon plaintiffs and it has nothing whatever to do with giving it continued effect. Consequently, under no circumstances should ILGWU be enjoined as prayed for by plaintiffs.

James Lipsig

James Lipsig

Sworn to before me this

5th day of August, 1976.

Notary Public

ANNADELLE FELLER
NOTARY PUBLIC, State of New York
No. 03-1189543
Qualified in Bronx County
Cert. filed in New York County
Commission Expires March 30, 1977

CONSTITUTION

OF THE

INTERNATIONAL LADIES' GARMENT WORKERS' UNION

CONSTITUTION

OF THE

INTERNATIONAL

LADIES' GARMENT

WORKERS' UNION

As adopted by Thirty-Fifth Convention
at Miami Beach, Florida, May, 1974

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PART I — STRUCTURE AND GOVERNMENT OF UNION

Article 1
CONSTITUTION, JURISDICTION, OBJECTIVES

Section 1. Name

The name of this union is the "International Ladies' Garment Workers' Union."

Section 2. Definitions

When used in this constitution

(a) "I.L.G.W.U." means the International Ladies' Garment Workers' Union;

(b) "G.E.B." means General Executive Board of the I.L.G.W.U.;

(c) "local" means a local union of the I.L.G.W.U.;

(d) "industry" means the industry under the jurisdiction of the I.L.G.W.U.; and

(e) "subordinate organization" means a local union, joint board, joint council, district council or other unit or division of the I.L.G.W.U.

Section 3. Official constitution

This document is the official constitution of the International Ladies' Garment Workers' Union and the official constitution and by-laws of its subordinate organizations.

Section 4. Jurisdiction

The jurisdiction of the I.L.G.W.U. includes all workers employed in the United States, its territories and possessions, Puerto Rico and Canada by firms engaged in the production and distribution of women's and children's apparel and related products and accessories and in such other occupations and industries as the G.E.B. may from time to time designate.

Section 5. Objectives

(a) The objectives of the I.L.G.W.U. shall be

(i) to unite in one organization all workers under I.L.G.W.U. jurisdiction regardless of race, creed, color, national origin, sex, or age;

(ii) to improve the working conditions, terms of employment and welfare of such workers;

(iii) to advance the economic, social and political interests of the I.L.G.W.U., its subordinate organizations, their members and their dependents;

(iv) to seek the improvement of general economic, social and educational conditions and standards in the United States, its territories and possessions, Puerto Rico and Canada and generally in other nations; (and)

(v) to support and aid other labor organizations and other organizations and persons whose objectives are directly or indirectly related or similar to those of the I.L.G.W.U.;

(vi) to carry out the organization of unorganized workers everywhere, the negotiation of collective bargaining agreements, and the presentation, adjustment and settlement of bona fide grievances against employers, through all lawful means, including strike action;

(vii) to engage in charitable, cultural, social, legislative, educational, civic, welfare, community, political and other activities which directly or indirectly advance such objectives; and

(viii) to provide financial support and assistance and all other lawful means to carry out the objectives of this Section 5.

(b) The funds of the I.L.G.W.U. and its subordinate organizations are authorized to be managed, invested or expended not only for the objectives expressly set forth in this constitution but also for additional purposes and objectives not inconsistent therewith as may be contained at any time in the resolutions and programs adopted or ratified by a convention or which the G.E.B. believes is consistent with the general interest of the membership of the I.L.G.W.U. or any substantial part of it.

Section 6. Dissolution

The I.L.G.W.U. shall not be dissolved so long as three locals wish to continue its existence.

Article 2
CONVENTIONS

Section 1. Authority

The convention of the I.L.G.WU. shall be its highest governing body. It shall have full power to make all decisions affecting the I.L.G.WU., its members and its subordinate organizations.

Section 2. Triennial convention

The I.L.G.W.U. shall meet in general convention every third calendar year between the months of April and June or at such other time in that year as the G.E.B. may determine. At least six months in advance, the G.E.B. shall determine where and when the convention shall meet.

Section 3. Composition of convention

The convention shall consist of delegates elected in accordance with this constitution.

Section 4. Eligibility of local

A local is entitled to send delegates to the convention if it has been chartered by the I.L.G.W.U. for at least three months before the convention opens.

Section 5. Number of local delegates

(a) Locals are entitled to delegates to the convention on the following basis:

(i) locals with 200 members or less shall have one delegate;

(ii) locals with 201 to 600 members shall have two delegates;

(iii) locals with 601 to 1,000 members shall have three delegates; and

(iv) locals with more than 1,000 members shall have three delegates and one additional delegate for every additional 1,000 members or major fraction thereof.

(b) The average number of members in good standing in the local as shown by the last completed census in the calendar year preceding the year of the convention shall be the basis for determining the number of delegates for each local.

Section 6. Apportionment of delegates

A local which represents several occupations or branches in the industry or whose membership is divided into branches, districts or other divisions may apportion its delegates to give proper representation to such occupations, branches, districts or divisions with the approval of the G.E.B.

Section 7. Joint board, joint council and district council delegates

Each joint board, joint council and district council is entitled to one delegate to the convention if it has been chartered by the I.L.G.W.U. for at least three months before the convention opens.

Section 8. Financial status of subordinate organizations

To be entitled to send delegates to a convention, a subordinate organization must have paid up in full all its per capita taxes, assessments, loans and other liabilities owing to the I.L.G.W.U. on the first day of the month preceding the convention, unless any such payment has been waived for good cause for this purpose by a convention or the G.E.B.

Section 9. List of delegates

At least thirty days before the convention meets, the chairman and secretary of each subordinate organization shall mail to the general secretary-treasurer a full list of all candidates for election as delegate or alternate and the number of votes cast for each candidate.

Section 10. Credential committee

(a) A credential committee shall be appointed by the G.E.B. at its last meeting before the convention opens but not less than twenty days before it opens. The committee shall have at least seven members.

(b) Each delegate's credentials must be presented to the committee signed by the chairman and secretary of his local or other subordinate organization and under seal of the I.L.G.W.U.

(c) The committee shall meet at least one week

before the convention opens. It shall examine each delegate's credentials and membership standing. It shall report to the convention its findings on the right of each delegate to be seated at the convention under this constitution.

(d) The convention shall by a majority vote pass upon the right of each delegate to a seat at the convention.

(e) The committee shall function until the next triennial convention or until the appointment of a new credential committee for the next triennial convention.

Section 11. Alternate delegate

If a delegate fails to serve or dies, resigns, becomes disabled or is otherwise disqualified as a delegate, his place shall be taken by the elected alternate who has received the highest number of votes in their local's election. The general secretary-treasurer shall immediately request such alternate to assume his duties at the convention and shall mail to him a duplicate credential as a delegate.

Section 12. Expenses of delegates

(a) The expenses of a delegate shall be paid by the subordinate organization he represents at the convention. If a subordinate organization is unable to pay its delegates' expenses, the I.L.G.W.U. may, at the discretion of the G.E.B., pay the expenses of one delegate of such organization.

(b) The expenses of the president, first vice-president, general secretary-treasurer and executive vice-president of the I.L.G.W.U. as delegates shall be paid by the I.L.G.W.U.

Section 13. Delegates barred

A member who has been found guilty of violating this constitution or any union work standards or work rules of a subordinate organization or has been found guilty of dishonorable acts may be barred as a delegate at the convention.

Section 14. Rules of procedure

The proceedings of the convention shall be governed by this constitution. The rules adopted at the pre-

ceding convention shall be in force from the opening of a convention until new rules are adopted by the convention itself. Each convention may adopt rules for the conduct of its business not in conflict with this constitution.

Section 15. Order of business

The following shall be the order of business at each convention unless suspended by a two-thirds vote of the delegates present and voting, a quorum being present:

(a) call to order by president;
(b) report of credential committee;
(c) roll call;
(d) report of officers;
(e) appointment or election of the following committees: appeals, education, finance. international affairs, label, law, organization reports of officers, resolutions, rules, social and labor legislation, work standards and such other committees as may be necessary;
(f) reports of committees;
(g) unfinished business;
(h) new business;
(i) election of officers;
(j) installation of officers;
(k) good and welfare; and
(l) adjournment.

Section 16. Quorum and decisions

A quorum for the transaction of business at a convention shall be one-half of the delegates accredited to the convention. However, no action of a convention shall be held invalid for lack of a quorum unless the question of the absence of a quorum was raised before such action was taken. All decisions of a convention shall be by majority vote of the delegates present unless otherwise specified in this constitution and by-laws.

Section 17. Resolutions

(a) A proposal or resolution shall not be considered by the convention unless it has been filed in advance with the president not later than the second day of the convention. However, proposals or reso-

lutions submitted later may be considered with the consent of three-fourths of all delegates present.

(b) The call by the general secretary-treasurer for the election of delegates shall specifically note the requirements of this provision.

(c) A proposal or resolution may be filed only by the G.E.B., or by a subordinate organization, or by an accredited delegate.

Section 18. Speakers

A person who is not a delegate may not address the convention unless invited to speak by the G.E.B.

Section 19. Special convention

(a) A special convention of the I.L.G.W.U. may be called (i) by a three-fourths vote of the G.E.B. or (ii) by a referendum vote of the membership. Such referendum vote must be initiated by the written request of at least ten local unions in good standing, no two of which shall be in one city.

(b) In the case of such a referendum vote, if (i) at least fifteen percent of the total membership of the I.L.G.W.U. votes in such referendum and (ii) a majority of those voting are in favor of calling a special convention, the G.E.B. shall, no later than thirty days after all the votes are counted, issue a call for a special convention.

(c) At least thirty days before a special convention opens, the G.E.B. shall announce where and when it will meet.

(d) The delegates to the last convention who are still eligible to be delegates under this constitution shall be the delegates to the special convention. If one or more of such delegates and their alternates are not so eligible or are not willing or able to be delegates, the G.E.B. in its discretion may authorize a special election for delegates to the special convention to fill such vacancies.

(e) The members of the credential committee of the last triennial convention who are still eligible to be delegates shall function as the credential committee of the special convention. They shall convene at least seven days before the special convention meets.

(f) Unless otherwise provided in this Section, each of the provisions of this constitution dealing with triennial conventions shall apply to special conventions.

Article 3
GENERAL EXECUTIVE BOARD

Section 1. Authority

The G.E.B. shall be the highest authority of the I.L.G.W.U. between conventions, except as otherwise provided in this constitution.

Section 2. Membership

(a) The G.E.B. shall consist of the president, general secretary-treasurer, executive vice-president and twenty-three vice-presidents, who shall be elected from among the delegates to the convention.

(b) All members of the G.E.B. elected shall be installed at the convention, but the terms of office of the president, general secretary-treasurer and executive vice-president shall begin one month following the convention.

Section 3. Meetings

Regular meetings of the G.E.B. shall be held at least semi-annually. Upon the written request of three vice-presidents, the president shall call a special meeting of the G.E.B. Twelve members are a quorum at G.E.B. meetings.

Section 4. Rules

Any business may be transacted at a regular or special meeting of the G.E.B. It may adopt rules for the conduct of its business not inconsistent with this constitution.

Section 5. Automatic vacancies

If a member of the G.E.B. retires or leaves the industry, his office shall automatically become vacant.

Section 6. Filling vacancies

The G.E.B. shall have power to fill all vacancies in any general office and in any committee it appoints until the next triennial convention.

Section 7. Executive committee

At its first meeting after the convention, the G.E.B. shall select from among its members an executive committee of at least 11 members. Between sessions of the G.E.B. the executive committee shall have all its powers and duties. Meetings shall be called by order of the president or at the request of any two members of the committee. At its meetings seven members shall constitute a quorum.

Section 8. General supervisory powers

The G.E.B. shall have general supervisory powers over all the affairs of the I.L.G.W.U. and its subordinate organizations, including the right to

(a) adjust disputes with employers and enter into collective bargaining agreements;

(b) authorize strikes and administer and authorize payments by the I.L.G.W.U. organization and strike fund;

(c) decide all questions involving the interpretation of this constitution and the jurisdiction of the I.L.G.W.U.;

(d) make rules for the government of the I.L.G.W.U. and its subordinate organizations which are not inconsistent with this constitution and take such other action as it believes may be required for the welfare of the I.L.G.W.U. and such organizations;

(e) levy assessments for necessary revenue in accordance with this constitution;

(f) decide all appeals from decisions of subordinate orgarizations and committees in the manner provided by this constitution;

(g) submit any matter to members of the I.L.G.W.U. for vote in a referendum;

(h) appoint any committee or sub-committee it deems necessary to perform specified duties;

(i) print and distribute the official form of this constitution and of all charters, records, cards and other documents relating to membership in the I.L.G.W.U.;

(j) publish a paper in one or more languages and appoint their editors;

(k) designate and appoint an executive secretary of the I.L.G.W.U. who shall serve at its will at compensation it fixes to perform such duties as the president or the G.E.B. may direct;

(l) designate and appoint such other executive or administrative personnel as it may require who shall serve at its will at compensation it fixes;

(m) create and dissolve geographic and administrative units as operating arms of the I.L.G.W.U. and appoint executive and administrative directors and personnel for such units who shall serve at its will at compensation it fixes;

(n) issue charters to a subordinate organization;

(o) consolidate, merge, reorganize or dissolve any subordinate organization, or amend its charter or jurisdiction, for reasons of economy or efficiency, or because of changes in industries in the jurisdiction of the I.L.G.W.U., or for other similar reasons, in the best interests of the I.L.G.W.U. and its members;

(p) suspend or revoke the charter or other authority of, or reprimand, discipline or reorganize, any subordinate organization which has been found guilty of failing to comply with this constitution or with policies or decisions adopted by a convention, by referendum vote, or by the G.E.B., or of other misconduct;

(q) designate its representative to administer all of the affairs of a subordinate organization in emergencies;

(r) take charge of and supervise the elections of a subordinate organization, determine all disputes concerning the ballot and procedure in such elections and supersede such organization's election and objection committee by an authority it designates; and

(s) order a special election for one or more offices or positions in a subordinate organization in emergencies and on request of such organization.

Section 9. Standing committees

The G.E.B. shall elect or appoint from among its members standing committees, including committees on appeals, education and community relations, finance, workers' benefits and jurisdiction:

(a) The appeal committee shall consist of at least seven members. It shall decide all appeals of members and subordinate organizations and all grievances referred to it in accordance with this constitution. Where an appeal must be heard outside the City of New York, the committee may designate one or more members of the G.E.B. to conduct such hearing and report to the next meeting of the full committee.

(b) The education and community relations committee shall consist of at least five members. It shall have the power, subject to the approval of the G.E.B., to engage or discharge a director and other employees for educational activities among I.L.G.W.U. members and shall have general supervision over the curriculum and all other matters affecting I.L.G.W.U. educational activities. It shall also have the power to supervise community relations activities by I.L.G.W.U. members and subordinate organizations, subject to the approval of the G.E.B.

(c) The finance committee shall consist of five members who shall have power to establish procedures for the verification and authentication of all expenditures and to examine and audit all I.L.G.W.U. financial records.

(d) The workers' benefits committee shall consist of at least seven members. It shall oversee the operations of funds and other plans whose purpose is to provide benefits to workers in the industry and their dependents, including health and welfare, vacation, retirement, severance, and supplementary unemployment insurance benefits. It shall administer the death benefit fund and pass upon all claims which may arise thereunder.

(e) The jurisdiction committee shall consist of at least five members. It shall have power to determine all questions of jurisdiction arising among subordinate organizations.

Section 10. Committee meetings and G.E.B. review

Each committee and sub-committee elected or appointed by the G.E.B. shall meet periodically and as often as its duties require. The finance committee shall meet at least quarterly. Each committee and

sub-committee shall report its work and decisions to the G.E.B. Such decisions shall be subject to review by the G.E.B.

Article 4
GENERAL OFFICERS

Section 1. General officers

The general officers of the I.L.G.W.U. are the president, general secretary-treasurer, executive vice president and twenty-three vice-presidents, one of whom shall be elected as the first vice-president.

Section 2. G.E.B. direction

Each general officer shall serve under the direction of the G.E.B.

Section 3. Authority of president

The president shall be the chief executive officer of the I.L.G.W.U. He shall have full power to direct its affairs, subject to review by the G.E.B.

Section 4. Duties and powers of president

The president shall

(a) be the chairman of the G.E.B. and be a member of all its committees;

(b) interpret the meaning and application of this constitution;

(c) participate directly or through his representatives in collective bargaining negotiations and in disputes between employers and employees;

(d) adjust differences between or within subordinate organizations directly or through his representatives;

(e) supervise and direct all necessary organizing activities;

(f) call to order and preside over conventions;

(g) in emergencies have the power to call meetings of subordinate organizations and preside over them himself or designate a representative to do so;

(h) engage, assign and direct any officer, business agent, organizer, staff member or employee in the direct employ of the I.L.G.W.U.; suspend or discharge, pending trial of charges, any officer, business agent or organizer in the direct employ of the I.L.G.W.U.; suspend or discharge any other staff

member or employeee in the direct employ of the I.L.G.W.U., notwithstanding any other provision of this constitution;

(i) have the right to suspend for financial irregularities, pending trial of charges, any person responsible for or actually handling financial transactions;

(j) have the right to suspend officers, business agents, organizers, staff members or employees of subordinate organizations, pending trial of charges;

(k) have the right to employ any executive or other personnel required to administer the affairs of the I.L.G.W.U.;

(l) fix the salaries and other compensation of employees of the I.L.G.W.U. except that any salary exceeding $300 a week shall be subject to the approval of the G.E.B.

(m) be a delegate to the conventions of the American Federation of Labor-Congress of Industrial Organizations;

(n) supervise and direct all other work usually attached to the office of the president; and

(o) keep a record of his activities and make a detailed report of them to the G.E.B. and to the triennial conventions.

Section 5. Absence or disability of president

If the president is absent or disabled, the first vice-president shall perform his duties.

Section 6. Duties of first vice-president and other vice-presidents

(a) The first vice-president shall be chairman of the G.E.B. finance committee and a member of all of its other committees. He shall perform such other duties as the G.E.B. or the president may direct.

(b) The other vice-presidents shall perform such duties as the G.E.B. or the president may direct.

Section 7. Duties and powers of general secretary-treasurer

The general secretary-treasurer shall

(a) be the secretary of the G.E.B. and a member of all its committees;

(b) conduct all I.L.G.W.U. correspondence and place it regularly before the G.E.B.;

(c) preserve and have custody of all correspondence concerning the I.L.G.W.U. and of all its property, securities, documents, books, official seals and records;

(d) record and publish the proceedings of each convention;

(e) receive all applications for charters and issue them when they are granted;

(f) maintain, in his discretion, a ledger card system for each member;

(g) receive all monies due to the I.L.G.W.U. and give receipts for such monies;

(h) deposit all I.L.G.W.U. funds in banks designated by the G.E.B., to be withdrawn by check by such persons as are authorized by the G.E.B.;

(i) pay all bona fide expenses of the I.L.G.W.U.;

(j) pay all claims against the I.L.G.W.U. approved by the G.E.B.;

(k) keep a correct record of all I.L.G.W.U. receipts and disbursements;

(l) arrange for a periodic audit of his accounts by an accountant appointed by the G.E.B.;

(m) publish an annual summary of income and disbursements of the I.L.G.W.U. and its subordinate organizations, prepared after audit by the I.L.G.W.U. auditing department;

(n) be in charge of the distribution of union labels;

(o) have the power, with the consent of the G.E.B., to hire such clerical help as is necessary to carry on I.L.G.W.U. business;

(p) report to the G.E.B. on his activities and on the financial transactions of the I.L.G.W.U., and

(q) submit a detailed financial report to each triennial convention.

Section 8. Bond for general secretary-treasurer

The I.L.G.W.U. shall obtain and pay for a bond for the faithful performance of the duties of the general secretary-treasurer in the amount fixed by the G.E.B. or required by law.

Section 9. Duties and powers of executive vice-president

The executive vice-president shall have the duties and powers delegated to him by the G.E.B. or the

president. He shall be a member of all G.E.B. committees.

Section 10. Salaries and expense of president, general secretary-treasurer and executive vice-president

The salaries of the president, general secretary-treasurer and executive vice-president shall be determined by the convention. They shall be paid the expenses they incur in the performance of their duties.

Section 11. Emolument for vice presidents

In recognition of the additional responsibilities and obligation attendant upon such office, each vice-president shall receive an emolument of five hundred dollars during each year of his term of office.

Section 12. General office

The general office of the I.L.G.W.U. shall be located in the City of New York. It shall not be moved elsewhere except by a majority vote of the delegates present and voting at a regular convention or at a special convention called for that purpose.

Article 5
LOCAL UNIONS

Section 1. Requirements for charter

Seven or more workers in the same branch of the industry who are eligible for membership in the I.L.G.W.U. shall constitute a local union when the G.E.B. issues a charter to them.

Section 2. Application and fee

An application for a charter shall be made to the general secretary-treasurer and shall be accompanied by an application fee of twenty-five dollars.

Section 3. Approval by other locals

A charter shall not be granted to a local where there is another local in the same branch of the industry in the same city or locality, before the existing local has had an opportunity to be heard by the G.E.B. on any objections it may have to such charter.

Section 4. Powers and duties

A local shall carry out the objectives, policies and decisions of the I.L.G.W.U. A local shall organize workers in the industry, call strikes, negotiate and enter into collective bargaining agreements with employers in its jurisdiction, enforce such agreements and represent workers in the adjustment and settlement of justified grievances against employers, except and to the extent it is part of a subordinate organization which is charged with any of such responsibilities.

Section 5. Local grievance committee

Each local shall elect or its executive board shall appoint a grievance committee, unless by its resolution or decision the executive board serves as the grievance committee.

Section 6. Executive board and local officers

(a) Each local shall have an executive board composed of its members.

(b) The officers of a local may include a manager, president, vice-president, financial secretary and recording secretary.

(c) A local's officers are not automatically executive board members unless by custom and practice of, or by resolution, adopted by a local union, local unpaid officers shall also serve as members of the local executive board.

Section 7. Selection of officers, executive board members and business agents

The officers and the executive board members shall be elected by the members at the triennial election of the local. Business agents may be appointed or may be elected at such election, except where by custom and practice they are elected at the triennial election of the joint board to which the local belongs, or are elected by vote of all the members of the component locals of the joint board.

Section 8. Vacancies in full-time paid office or position

A vacancy in any local full-time paid office or position which arises between triennial elections shall

be filled by the local's executive board, except that the G.E.B. may require prior joint consultation between and agreement by the local executive board and the G.E.B. In either case, the selection of a person to fill such vacancy shall be submitted for ratification at meetings of members.

Section 9. Other vacancies

A vacancy on the executive board or in a local office or position not paid on a full time basis which arises between triennial elections shall be filled by a majority vote of the executive board, subject to ratification at meetings of members. However, a resolution or decision of the local may provide a different procedure for filling such vacancies.

Section 10. Dissolution, withdrawal or merger of local

(a) A local may not withdraw from the I.L.G.W.U., voluntarily go out of existence or join or amalgamate with a non-I.L.G.W.U. union without holding a special meeting for such specified purpose with notice of such purpose to all members.

(b) If at such meeting at least seven members object to such action and record their wish to retain the charter, such action shall be invalid. If fewer than seven members record such objection, the charter shall become invalid and revert, together with the local's funds and property, to the I.L.G.W.U., as provided in this constitution.

(c) Any such withdrawal, dissolution, joining or amalgamation by a local shall in no event become effective until six months after the general secretary-treasurer has received notice of such proposed action.

(d) The foregoing subdivisions (a), (b) and (c) shall not apply to any action contemplated or taken under the provisions of Article 3, Section 8, subdivisions (o) and (p), or Article 9, Section 10, subdivision (a).

Article 6
JOINT BOARDS

Section 1. Requirements for charter

(a) Two or more locals located in the same city or locality covering different occupations in the same

branch of the industry must organize a joint board, which shall be chartered by the G.E.B.

(b) Two or more locals located in the same city or locality covering occupations in different branches of the industry may organize a joint board, if granted a charter by the G.E.B., which shall define the powers and jurisdiction of such joint board.

Section 2. Delegates

(a) A joint board shall be governed by delegates selected as follows:

(i) a local with 250 members or less shall have one delegate;

(ii) a local with 251 to 999 members shall have two delegates; and

(iii) a local with 1,000 or more members shall have three delegates for the first 1,000 members and one additional delegate for each additional 1,000 members.

(b) No local shall have more than eight delegates to a joint board. However, a local with more than 10,000 members shall have eight delegates for the first 10,000 members and one additional delegate for every additional five thousand members or a major portion thereof.

(c) In localities where no local has a membership of more than 1,000, each local shall have the same number of joint board delegates.

Section 3. Powers and duties

(a) A joint board may

(i) pass upon the qualifications of its members;

(ii) elect a general manager;

(iii) elect or appoint such officers, district or department managers and committees it deems necessary;

(iv) fix the number of its business agents, who shall be elected or appointed by local unions in the proportion to which their quota of delegates to the joint board entitles them, provided they are entitled to and send to the joint board one or more delegates;

(v) fix the salaries and other compensation of its officers, business agents, district or department managers and its elected or appointed committees and determine their functions and terms of office or tenure of position, which shall not extend beyond the installation of their successors at the next triennial election;

(vi) discipline a member found guilty of misconduct by censure, fine, suspension, expulsion or otherwise and declare such member disqualified to hold office or membership in the joint board or any other elective or appointive position in any subordinate local for a specified period of time;

(vii) initiate a proposal to raise fixed dues uniformly in all its subordinate locals or to levy assessments, to be submitted for approval in accordance with the requirements of this constitution; and

(viii) exercise such other powers as are conferred upon it by this constitution.

(b) Only a joint board shall have power to make a collective bargaining agreement in its jurisdiction. Its objectives shall also include the duty to organize non-union shops, supervise and control union shops, insure harmony among the locals subordinate to it and present, adjust and settle justified grievances and complaints against employers. Its adjustment and settlement of such complaints or grievances shall be binding upon the locals and individual members affected.

Section 4. Grievance and appeal committees

Each joint board shall elect a grievance committee and an appeal committee. The appeal committee shall hear and pass upon appeals from the decisions of such grievance committee and of local grievance committees.

Article 7
JOINT COUNCILS

Section 1. Joint council

A joint council shall consist of a joint board and other I.L.G.W.U. subordinate organizations in adjoining localities. The G.E.B. may charter a joint council whenever it determines that industry condi-

tions or the need for coordinated action warrant its organization.

Section 2. Powers and duties

A joint council shall have such powers and must assume such obligations as the G.E.B. shall determine.

Article 8
DISTRICT COUNCILS

Section 1. Requirements for charter

All of the locals in one city or locality which are not part of a joint board may be chartered by the G.E.B. as a district council.

Section 2. Delegates

A district council shall consist of an equal number of delegates from each of its locals. However, if the G.E.B. determines that geographic or industry conditions so warrant, it may charter a district council consisting of delegates from locals or from organized shops in an area or from both.

Section 3. Powers and duties

The primary duty of a district council shall be to organize the industry in its area. The G.E.B. shall determine the other duties, powers and obligations of each district council. If no such determination is made, the district council shall have the duties, powers and obligations of a joint board as set forth in this constitution.

Article 9
SUBORDINATE ORGANIZATIONS—GENERAL PROVISIONS

Section 1. Rules

A subordinate organization may adopt resolutions and rules which do not conflict with this constitution or the policies of the I.L.G.W.U.

Section 2. Meetings

A subordinate organization shall hold meetings of its members periodically. If it fails to do so, it may be suspended by the G.E.B.

Section 3. Special meetings of joint boards, joint councils and district councils

A special meeting of a joint board, joint council or district council shall be called whenever requested by its president and secretary or by its manager or in any other manner provided by appropriate resolution or decision.

Section 4. Eligibility requirements for officers, etc.

The eligibility requirements for officers, business agents and executive board members of subordinate organizatians and for other full-time paid elective or appointive offices or positions in such organizations shall be the same as those provided in this constitution for delegates to conventions. However, where two or more locals function in common, and have one set of officers, voted for by the members of all the locals involved, a candidate need merely have been a member in good standing of any of the locals involved for at least one year before nominations, or meet the requirements of Article 11, Section 4.

Section 5. Ineligibility as executive board member and as joint board or district council delegate

Local managers, local, joint board or district council financial secretaries who are regular full-time paid officers, business agents and local organizers may not be members of their respective executive boards or delegates to joint boards or district councils.

Section 6. Approval of wage increases

A wage increase to anyone holding a paid elective or appointive office or position in a subordinate organization shall not be granted unless approved either by its membership at a regular meeting or at a special meeting whose notice shall specify such purpose or by the G.E.B.

Section 7. Approval of other payments

A gift, bonus, annuity or payment in any substantial amount, other than wages, to anyone holding a paid elective or appointive office or position in a subordinate organization shall not be granted unless approved by the G.E.B.

Section 8. Use of revenue

The regular revenue of a subordinate organization shall be used only for the payment of per capita tax, strike benefits, legitimate expenses and for the objectives of the I.L.G.W.U. and the subordinate organization.

Section 9. Incorporation

No subordinate organization shall be incorporated. Incorporation shall automatically invalidate the charter or other authority of such organization.

Section 10. Authority of G.E.B. over charter

(a) The G.E.B. may, after notice and opportunity for hearing to the subordinate organization affected, consolidate, merge, reorganize or dissolve any subordinate organization, or amend its charter or jurisdiction, for reasons of efficiency or economy or changes in the industries in the jurisdiction of the I.L.G.W.U. or for other similar reasons, in the best interests of the I.L.G.W.U. and its members. Notice of hearing to the members of the subordinate organization affected by such action shall be deemed waived in any case in which such subordinate organization applies for or consents to such action.

(b) The charter or other authority of any subordinate organization may also be suspended or revoked by the G.E.B. for the following misconduct:

(i) its failure to comply with the constitution or the policies, decisions or orders of a convention, the G.E.B., or a referendum vote of the membership;

(ii) its failure to turn over to the G.E.B. its records and property when so directed or to file returns or reports with the I.L.G.W.U.;

(iii) its failure to install a successor to any officer or other person removed by the G.E.B. or by its authorized representative;

(iv) its failure to discipline a member when so directed by the G.E.B.;

(v) its failure to enforce penalties imposed by a proper authority of the I.L.G.W.U. or of a subordinate organization;

(vi) its failure to pay per capita tax or assessments within thirty days after a demand has

been made by the general secretary-treasurer and it has been put on notice of the intention of the I.L.G.W.U. to invoke this section;

(vii) conduct detrimental to the interests of the I.L.G.W.U.;

(viii) any act of the subordinate organization intended or having the effect of terminating its status as a subordinate organization of the I.L.G.W.U.; or

(ix) any other improper conduct.

The charter or other authority shall not be suspended or revoked until the subordinate organization has been given notice of the charges and an opportunity to answer the charges. If the G.E.B. decides to suspend or revoke such charter or authority, it shall give the subordinate organization thirty days to comply with its decision before such action shall become effective.

Section 11. Authority over joint boards, joint councils and district councils

The duties and powers of the I.L.G.W.U., G.E.B. and general officers with respect to locals shall likewise apply to other subordinate organizations, except as provided otherwise in this constitution.

PART II — ELECTIONS

Article 10
ELECTIONS—GENERAL PROVISIONS

Section 1. Eligibility to vote

A member shall be eligible to vote in any election in a subordinate organization only if

(a) he is a member in good standing;

(b) he has been a member for at least three months; and

(c) he has paid dues for at least three months.

Section 2. Ineligibility for office or position

(a) The following persons shall not be eligible to be a delegate or an executive board member or to hold an elective or appointive office or position in the I.L.G.W.U. or in a subordinate organization:

(i) a member who has been found guilty of being a strikebreaker;

(ii) a member who at any time was expelled or suspended after trial, unless his full membership rights have been restored by the G.E.B.;

(iii) a member who has been found guilty after trial of violating this constitution or union work standards or of misconduct, for at least three years after his trial was completed or for such longer period as may be imposed upon him for the offense.

(b) The duration of the disqualification under subdivision (a) (iii), where the offense does not involve violation of union work standards or other serious violations, may be modified by the G.E.B. appeal committee or a general officer.

Section 3. Candidates aged 65 or over

(a) Any member who has reached the age of 65 may not be a candidate for any paid elective or appointive office or position unless his request to do so is approved.

(b) If the office or position is in a subordinate organization, such approval must be requested of the executive board of the local or of the governing body of any other subordinate organization which is served by such office or position, and must be ratified by the G.E.B. If approval is denied, the member may appeal to the G.E.B., whose decision shall be final.

(c) If the office is a general office of the I.L.G.W.U., or if the office or position is in the direct employ of the I.L.G.W.U., such approval must be requested of the G.E.B. If approval is denied, with respect to a general office, the member may appeal to a convention.

Section 4. Former employer status

Any member who becomes an employer in any industry, who becomes a partner or member of a corporation shop, whose position gives him the right to hire and discharge workers, or who engages in an occupation which involves business dealings with employers in the industry, and then gives up such undertakings and rejoins the I.L.G.W.U. shall not be eligible to be a delegate to a convention or a member

of an executive board or for any elective or appointive office or position in the I.L.G.W.U. or a subordinate organization for five years after he rejoins the I.L.G.W.U. Employment in any organization or enterprise connected with the labor movement shall not be considered in the application of this section.

Section 5. Group designation

(a) Any group of candidates for elective office or position which wishes to appear on the ballot under a group designation may submit a written request for such designation to the subordinate organization or to a local executive board at least ten days before the election.

(b) A request for such group designation may not be approved by the subordinate organization or a local executive board unless the group includes a candidate for two-thirds of the separate categories of officers or positions (counting a major fraction as an additional number) to be filled at the election and, where two or more openings are to be filled in the same elective offices or positions, includes at least one-half the total number of persons to be elected.

(c) Permission for such designation shall not be withheld from one otherwise eligible group if such permission has been granted to another group in the same election.

(d) Permission may be withheld if the group designation requested is so similar to that selected by another group as to mislead voters.

(e) Any candidate in an election may appeal to the G.E.B. appeal committee from a decision granting or denying a group designation. Such appeal may, in the discretion of the committee, be heard by the full committee or by its designee with such power as the committee may wish to delegate.

(f) If a request for a group designation is approved, the ballot shall provide space at the head of a list so that one vote may be cast for all candidates appearing under such group designation. Each candidate in such group, however, shall in addition have printed opposite his name a space or box in which an individual vote for him may be cast and recorded.

Section 6. Impartiality of subordinate organizations

(a) A subordinate organization or any of its committees shall not in any official capacity discriminate in favor of any candidate. It shall not advocate the election or defeat of any candidate in any printed statement purporting to be the official or authorized views of the organization. It shall not use the monies or other property of the subordinate organization for any such purpose.

(b) This section shall not preclude any member holding office or position in a subordinate organization from exercising his democratic right to participate as an individual in any election in which he is a candidate or in any other election campaign.

Section 7. Oath

Each member elected or appointed to an office or position of the I.L.G.W.U. or of a subordinate organization shall take the following oath upon his installation:

"Upon my honor, I do solemnly swear that I will truly and faithfully carry out the responsibilities and duties of my office or position; that I will observe the constitution and policies of our union and will carry out the directives of its official authorities; that I will strive to promote the interests of our members, of the workers in the industry, and of working people everywhere; and I will strive to advance the ideals of American (Canadian) democracy and the enduring welfare of the American (Canadian) people.

"All this I do solemnly swear."

Section 8. Term of office or position and installation

(a) The term of an elective or appointive office or position shall begin with the date of installation and shall end on the date of the successor's installation.

(b) General officers elected at a convention shall be installed into office before it adjourns, but the terms of office of the president, general secretary-treasurer and executive vice-president shall begin one month following the convention. Installation in the case of subordinate organizations must take place no later than two months following the election or appointment.

(c) The term of all elective or appointive offices or positions in a subordinate organization shall automatically end on the date such subordinate organization is dissolved, reorganized or expelled.

Section 9. Write-in votes

In any election under Article 2 through 14, inclusive, of this constitution, write-in votes shall not be permitted or counted.

Article 11
ELECTION OF CONVENTION DELEGATES

Section 1. Notice, nomination, election

(a) At least sixty days before a triennial convention opens, the general secretary-treasurer shall give written notice to each eligible subordinate organization to elect its delegates to the convention.

(b) When such notice is received, the subordinate organization shall immediately call a special meeting to nominate delegates at which it may also nominate up to the same number of alternate delegates, and to fix the date of the election. The election must in any case take place at least forty days before the convention.

Section 2. Eligibility requirements

To be eligible as a delegate to a convention a candidate must be

(a) a member in good standing of the I.L.G.W.U. for at least two years before delegates are nominated in the local;

(b) a member in good standing of the local he is to represent for at least one year before delegates to the convention are nominated in his local; and

(c) a worker actively attached to the industry for at least six months before the convention opens.

Section 3. Recently chartered locals

(a) The provisions of Section 2(a) and 2(b) of this Article 11 shall not apply to a member of a local which was chartered within the two years immediately prior to the convention if he became a member of the local within six months after the date it was chartered.

(b) If such a member transfers to another local which has been chartered within such two year period, the provisions of Sections 2(a) and 2(b) shall not apply to him if he was transferred to the new local at least six months before delegates are nominated in the new local.

Section 4. Officer and business agent

The provisions of Section 2(b) and 2(c) of this Article 11 shall not apply to an officer or a business agent of a subordinate organization who assumed his position at least three months before the convention opens or to a general officer of the I.L.G.W.U.

Article 12
ELECTION OF GENERAL OFFICERS

Section 1. Election

Each general officer shall be elected from among the delegates at each triennial convention.

Section 2. Eligibility requirements

(a) To be eligible to be a vice-president, a delegate must be a member of the I.L.G.W.U. in continuous good standing for at least three years before the convention opens.

(b) To be eligible to be president, general secretary-treasurer or executive vice-president, a delegate must be a member of the I.L.G.W.U. in continuous good standing for at least five years before the convention opens.

Section 3. Balloting

The election of general officers shall be by ballot. To be elected, a candidate must receive a majority of all votes cast. Unless one candidate receives such a majority, the candidate receiving the lowest number of votes shall be dropped from the ballot. Balloting shall continue until a majority of all votes cast is received by a candidate. When only one candidate is nominated for an office, election to such office may be made by acclamation.

Section 4. Count of votes

The presiding officer of the convention shall ap-

point four tellers who shall examine the ballots and keep a correct record of the vote. The presiding officer shall announce the result. Candidates may be present during the counting of votes.

Section 5. Candidates from same local

No local shall have more than one of its convention delegates elected as vice-president. If two or more delegates of the same local run for the office of vice-president, the one receiving the highest number of votes among those elected shall be declared elected.

Article 13
ELECTION TO LOCAL OFFICES AND POSITIONS

Section 1. Triennial elections

A local shall have triennial elections of officers simultaneously with the election of delegates to a triennial convention. At the same time, it shall have elections of all full-time paid elective positions, of business agents, except where they are by custom and practice elected at joint board elections or by vote of all the members of the component locals of the joint board, of other local positions and of members of the executive board.

Section 2. Nomination meeting

(a) Candidates for local office, executive board membership, business agent and other positions shall be nominated at a special meeting called for that purpose at least fifteen days before the local's election. The Executive Board shall determine and at such special meeting or earlier, shall announce the date and place of the election, except where at the nominating meeting there is no contest for any or all offices or positions, and there is therefore election by acclamation. In addition, notice of such date and place shall be given at least fifteen days before the election through the press or by letter.

(b) A person may not be a candidate for more than one office or position if he cannot occupy such offices or positions at the same time.

Section 3. Minimum nominating votes

A local by appropriate resolution or decision may

provide that a member shall not be deemed nominated unless he receives a specified minimum percentage (not to exceed five percent) of the votes of members who attend the nomination meeting.

Section 4. Election procedure

(a) Each candidate in a local election shall be elected by ballot. However, if there is only one candidate for an office or position, his election may be by acclamation, provided that the election and objection committee examines his qualifications and declares him eligible.

(b) Voting machines may be used if authorized by the G.E.B.

(c) An election shall take place on one day unless a longer period is authorized, because of the size of the area involved, by the G.E.B. or its designee.

(d) Each qualified candidate shall be entitled to have an observer present in the polling place during the voting and the final tally and count of the votes. Where there is more than one polling place, the election and objection committee shall determine the number of observers required for adequate coverage of the polling places, and each qualified candidate shall be entitled to such number. However, where group or slate voting has been authorized, the election and objection committee shall fix an adequate and reasonable number of observers for each group or slate. Each group or slate shall be entitled to the same number of observers, regardless of the number of candidates nominated as part of its ticket. A candidate may be an observer. Any other observer must be a member in good standing of the subordinate organization involved. The names of all observers must be designated in writing to the election and objection committee. An observer may not electioneer within the polling place and shall be subject at all times to the authority of the election and objection committee to conduct and supervise the election.

(e) The votes shall be counted immediately after polls close. The candidates receiving the highest number of votes shall be declared elected.

Section 5. Election and objection committee

(a) An election and objection committee of at least three members in good standing shall be chosen for each election. The committee shall either be nominated and elected at the special nomination meeting or be elected by the executive board if such authority has been delegated to it by the membership.

(b) If such committee is not elected at the special nomination meeting, it shall be appointed by the local's executive board. If it fails to do so, the committee may be appointed by the G.E.B.

(c) Only a member who is eligible to be an officer or executive board member in the local may be a member of the committee. However, in its discretion and subject to the approval of the G.E.B., a local may instead appoint to the committee persons who are members in good standing of another local or who have demonstrated their sympathy for the I.L.G.W.U. by their work for the trade union movement.

Section 6. Election and objection committee meeting and appearance

(a) The election and objection committee shall meet at least ten days before the election except with respect to an office or position which has been filled at the nominating meeting by a vote by acclamation.

(b) A candidate who has been nominated in a local election must appear before the committee upon its written request.

Section 7. Election and objection committee procedure

The election and objection committee shall

(a) examine the dues book, records, eligibility and general qualifications of each candidate who has been nominated;

(b) remove from the ballot any candidate guilty of violating this constitution or the local's rules;

(c) remove from the ballot any candidate who after a written request has failed to appear before the committee;

(d) conduct and supervise the elections;

(e) decide whether a member shall vote if his right to do is challenged;

(f) keep records of members who vote;

(g) stamp dues records of members to indicate they have voted;

(h) count and tally the vote and do so in the presence of any candidate who wishes to be present;

(i) report the result of the election at the next meeting of the executive board, which report shall be deemed the final decision by the election and objection committee; and

(j) have such other powers as may be conferred on it by the local or its executive board which are not inconsistent with this constitution.

Section 8. Appeals

An appeal from a decision of the election and objection committee may be made by a candidate affected by the decision or by a member of the committee. Any further appeal may be made by such persons or by the election and objection committee itself.

Section 9. Appeal tribunals

The following procedure shall apply and be strictly and expeditiously enforced in such appeals:

(a) (i) If the candidacy is for a local office or position which does not serve a joint board, district council or joint council, the first appeal shall be either to the local's executive board or to a membership meeting, but not to both.

(ii) If neither body is scheduled to meet promptly, the first appeal shall be to the joint board, district council or joint council if the local is part of such organization and such organization is scheduled to meet promptly. If, however, such organization is not scheduled to meet promptly or if the local is not part of such organization, the first appeal shall be to the G.E.B. appeal committee.

(iii) If the first appeal was to a local body, further appeal from its decision may be made (A) to the G.E.B. appeal committee if the local is not part of a joint board, district council or joint council or (B) to the joint board, district council or joint council if the local is part of it.

(iv) If it has not previously ruled on the matter, a final appeal may be made to the G.E.B. appeal committee.

(b) (i) If the candidacy is for an office in or which serves a joint board, district council or joint council, a first appeal from a decision of the election and objection committee may be taken to the joint board, district council or joint council if it is scheduled to meet promptly and, if not, then to the G.E.B. appeal committee.

(ii) A second appeal from the decision of a joint board, district council or joint council in such a case may be taken to the G.E.B. appeal committee.

Section 10. Appeal procedures

Appeals shall be governed by the applicable provisions of Articles 22 and 23, except that each appeal from a decision must in any case be taken within ten days after it is issued. Where an interim or intermediate ruling or decision in connection with an election is objected to, appeal from such ruling or decision must be made within ten days thereafter. An appeal from any ruling or decision not previously subject to appeal, may not be made later than ten days after the report of the election and objection committee to the executive board of the result of the election.

Article 14

ELECTIONS IN JOINT BOARDS, JOINT COUNCILS AND DISTRICT COUNCILS

Section 1. Triennial elections

Joint boards, joint councils and district councils shall have triennial elections in the month after local elections take place.

Section 2. General manager

A joint board shall elect a general manager either by a majority vote of the delegates to the joint board or by a majority vote of the members of the subordinate locals if the joint board decides that candidates for this office are to be nominated in the subordinate locals.

PART III — MEMBERSHIP

Article 15
MEMBERSHIP—GENERAL PROVISIONS

Section 1. Eligibility for membership

Any person who is actively attached to the industry is eligible for membership in the I.L.G.W.U. without regard to race, creed, color, national origin, sex or age.

Section 2. Application for membership

A worker shall apply for membership in the I.L.G.W.U. to the local in his branch of the industry in the area where he is emloyed. A worker who is employed in an area where there is no local in good standing shall apply for membership in the nearest local of his branch of the industry.

Section 3. Application forms and examinations

(a) All applicants for membership shall complete and sign an official application form of the local or of the I.L.G.W.U. Such form shall contain a pledge by the applicant to abide by this constitution and all rules, regulations, by-laws and policies adopted by the I.L.G.W.U. and its subordinate organizations.

(b) The application form of the local may require such information as the local may deem necessary.

(c) A local which provides sick benefits or other local welfare benefits may require a medical examination of an applicant for membership or an applicant for a transfer from another local. A worker whose membership or transfer application is rejected for medical reasons shall be admitted to the local as a member expressly not entitled to such benefits.

(d) Each applicant may be examined by a special committee of the local or its executive board concerning his competency as a worker and his qualifications for membership.

Section 4. Effective date and determination of membership

(a) An applicant is admitted to membership on the day his application is accepted.

(b) Membership is terminated on the date of the member's death, except as may be otherwise provided in the rules of a special purpose or workers' benefits fund.

Section 5. Primary membership in I.L.G.W.U.

A worker whose application for membership has been approved by a local thereby becomes primarily a member of the I.L.G.W.U. He shall also thereby become a member of such local, but such local membership shall be subordinate to and a function of his membership in the I.L.G.W.U.

Section 6. Membership in other unions

A member may not be a member of more than one I.L.G.W.U. local, of any other union organization in the industry, or of any union, not affiliated with or recognized by the American Federation of Labor-Congress of Industrial Organizations.

Section 7. Authorization by members

By joining the I.L.G.W.U., a member irrevocably authorizes the I.L.G.W.U. and the subordinate organization to which he belongs to act as his exclusive agents for the presentation and adjustment of all grievances and complaints against his employers, for all matters relating to terms and conditions of employment and for all other matters arising out of any employer-employee relationship in the industry.

Section 8. Membership compliance and meetings

(a) A member shall comply fully with this constitution and the orders, rulings, decisions and policies of the I.L.G.W.U., its subordinate organizations and their authorized representatives.

(b) A member shall notify the financial secretary of his local immediately of any change of address.

(c) A member shall attend all shop meetings and all membership or shop meetings called by any subordinate organization of the I.L.G.W.U. or by any authorized representative of such organizations.

The grievance committee of such subordinate organization which finds that a member has failed to attend such meeting may prescribe fixed fines or penalties for such failure.

Section 9. First payment of dues

A new member shall make his first payment of fixed dues as of the following dates:

(a) if his local collects dues on a fixed monthly basis,

(i) on the first day of the month if his application is approved on or before the twentieth day of the month, or

(ii) on the first day of the following month if his application is approved after the twentieth day of a month; or

(b) if his local collects dues on a weekly basis, on the Monday following the day his application is approved.

Section 10. Payments in advance

A member shall pay in advance all fixed monthly or weekly dues and general and local assessments levied by a convention, the G.E.B. or a subordinate organization.

Section 11. Good standing membership and arrears

(a) A member is not in good standing if he is more than three months in arrears in the payment of his monthly fixed dues or more than thirteen weeks in arrears if weekly payments are required.

(b) A member is deemed automatically expelled if he is more than nine months in arrears if monthly payments are required or more than thirty-nine weeks in arrears if weekly payments are required. However, if his local accepts payment of his arrears in dues before he is in arrears for twelve months or fifty-two weeks respectively, he shall be reinstated and his membership shall be deemed to have been unbroken, but such member shall be deemed to have waived his rights to benefits under the death benefit fund for one year if its rules so provide .

Section 12. Remission or reduction of local dues and assessments

If a member is ill and in other extraordinary

cases, a local executive board may remit or reduce local fixed dues and local assessments. The local shall nevertheless be required to pay to the I.L.G.W.U. the monthly or weekly per capita tax for such member.

Section 13. Deductions from benefits

To protect members against loss or impairment of benefits flowing from membership, each subordinate organization is directed to deduct from any welfare benefit payable by it or within its control, with respect to a member who is then not in good standing because of arrears of fixed dues or assessments, and apply such amount to payment of arrears as is necessary to restore him to membership in good standing. Simultaneously with such deduction, written notice of the amount and purpose shall be given to such member. If a member objects to such deduction in writing, the amount deducted shall be returned to him and accordingly not be so applied.

Section 14. Invalid payment of dues

If a person's membership has been terminated automatically or otherwise under this constitution but he nevertheless continues to pay dues which are accepted by a local, such payment shall not affect the termination of his membership or confer any rights or benefits of membership, unless the general secretary-treasurer has given specific permission for such payment.

Article 16
WITHDRAWAL FROM MEMBERSHIP

Section 1. Requirements for withdrawal card

(a) A member who wishes to leave the industry may withdraw from membership in the I.L.G.W.U. and be given an official withdrawal card if he gives written notice of such withdrawal, pays all fixed dues, assessments, fines and other charges against him up to the date of his withdrawal and surrenders his membership book or card.

(b) A member who has so withdrawn and who has subsequently been readmitted shall not thereafter be eligible for withdrawal until six months after his readmission.

Section 2. Failure to obtain withdrawal card

A member who leaves the industry and does not obtain an official withdrawal card is thereby deemed to have automatically withdrawn from membership and to have lost all his membership rights and privileges.

Section 3. Member out of industry two years

(a) If a member has not worked in the industry for two continuous years, he is deemed to have left the industry and to have automatically withdrawn his membership unless the general secretary-treasurer permits him to continue his membership.

(b) Permission may be granted if the general secretary-treasurer is satisfied that the member is able and willing to work and has sought but failed to obtain employment or that the member is temporarily ill and will be able to return to the industry.

(c) Subdivision (a) shall not apply to members who have left the industry because they have been approved for retirement by an I.L.G.W.U. retirement fund or have been permitted to retain membership in the union under Section 2 of Article 18.

Section 4. Readmission of withdrawn member

Any member who has withdrawn in accordance with Section 1 of this Article 16 and who wishes to return to membership in the local from which he had withdrawn may be reinstated to membership in such local under the following conditions:

(a) if his application for readmission is made within nine months of the withdrawal, he must pay all fixed dues and all assessments of the I.L.G.W.U. and his subordinate organization since the date of his withdrawal and shall thereupon be reinstated to his previous standing in membership;

(b) if his application for readmission is made after nine months but within two years of the withdrawal, he shall be admitted as a new member without initiation fee if he pays all current assessments of the I.L.G.W.U. and his subordinate organization; or

(c) if his application for readmission is made two years or more after his withdrawal, he shall be admitted as a new member if he pays all current

assessments of the I.L.G.W.U. and his subordinate organization and one third of the local's regular initiation fee.

Section 5. Readmission in another city

A person who complies with Section 4(b) and 4(c) of this Article 16 and who was a member of a local for at least two years before receiving his withdrawal card from it may be readmitted to membership in the I.L.G.W.U. by presenting such card to a local covering the same occupation in a different city or if there is no such separate local, to any other local in such city. Such a person shall, in addition, be subject to the transfer provisions in Section 3 and 4 of Article 17.

Article 17
TRANSFER OF MEMBERSHIP

Section 1. Eligibility for transfers

(a) A member of the I.L.G.W.U. for at least six months who has paid in full all fixed dues, assessments and other indebtedness and is not under charges shall upon application to the secretary of his local be granted a transfer card regardless of the length of his membership in the local.

(b) However, a member who has withdrawn from and then been readmitted to membership shall be entitled to a transfer card only if his membership before withdrawal and after readmission totals at least six months.

Section 2. Transfer between industry branches

(a) A member who leaves one branch of the industry for another may transfer his membership to an appropriate local. He shall retain his standing as a member of the I.L.G.W.U. and not be considered a new member.

(b) A member in good standing of the I.L.G.W.U. may, moreover, work for not more than fourteen days in a branch of the industry under the jurisdiction of another local without transferring his membership, but such privilege may be denied if a substantial number of members of such other local are unemployed. In all such cases. preference shall be given to members of other locals of the I.L.G.

W.U. before membership or working cards are granted to workers who have not yet been admitted to membership in the I.L.G.W.U.

Section 3. Transfer between localities

A member who wishes to transfer his employment from one locality to another shall apply to his local for a transfer card. The transfer card shall be valid for a specified period of not more than three weeks. Within seven days of his arrival in the new locality, the member shall deposit his transfer card with the appropriate local, if any, in the locality. A member who fails to deposit his transfer card within such seven days or within the time limited on the transfer card shall lose his rights under his transfer card.

Section 4. Payments to locals

(a) A local to which a transfer card is presented, whether in the same or different locality or occupation as the original local issuing the transfer card, may, if the member is otherwise entitled to have the transfer card accepted under this Article 17, charge him

(i) the difference between its initiation fee and the initiation fee paid by the member to his original local if he has been a member of the original local for six to twelve months;

(ii) one-half of such difference if he has been a member of the original local for more than twelve months but not more than twenty-four months;

(iii) one-half of such difference if he has been a member of the original local for more than twenty-four months and the transfer is to a local for another occupation in either the same or a different locality; and

(iv) nothing additional for an initiation fee if he has been a member of the original local for more than twenty-four months and the transfer is to a local for the same occupation in either the same or a different locality.

(b) A local may not demand from a member fixed dues for any period for which there is a receipt noted on his transfer card.

Section 5. Local requirements

(a) A local which issues a transfer card to a

member is relieved of any obligation to him when it is accepted by the local to which he presents it. The member then becomes a member of the local with which he deposits his card if he passes necessary local examinations.

(b) A member who seeks to transfer to a local which requires applicants to pass trade examinations may be required to pass such an examination before his transfer card is accepted. However, a member of the I.L.G.W.U. for more than one year is exempt from trade examinations if the transfer is to a local of the same craft.

Section 6. Foreign unions

A member of a union in a foreign country affiliated with the International Textile and Garment Workers' Federation who produces a transfer card from his union showing that he has been a member in good standing for not less than one year shall be admitted to membership in any local of the I.L.G.W.U. on the same terms as any member of the I.L.G.W.U. transferring from one local to another. However, his membership shall be dated only from the date of his admission to membership in the I.L.G.W.U. and shall not be retroactive to include membership in the foreign union.

Article 18
LIMITED BENEFITS MEMBERSHIP

Section 1. Member with major illness or disability

(a) A member who is certified by his local as permanently incapable of work due to a major illness or disability and has left the industry may retain limited benefits membership in the I.L.G.W.U., if approved by the general secretary-treasurer, upon the following basis:

(i) If he has had membership during ten out of the last fifteen years immediately before applying for limited membership under this Section, of which the last five were continuous, he may remain an I.L.G.W.U. member and pay all regular dues for two years from the date his illness or disability began and

(A) during such two years, and if he is a member in good standing, he shall be entitled to all

benefits a member is entitled to, including limited coverage under the death benefit fund up to a maximum of $500 if his application is approved on or before August 31, 1971, and up to a maximum of $1,000 if his application is approved on or after September 1, 1971, except that in no event may the maximum exceed the local union's coverage for regular members, but he shall not be entitled to vacation payments during the second year; and

(B) at the end of the second year, his membership and his rights to any benefits are automatically terminated, but he may continue to have the free use of a union health center wherever available for one additional year.

(ii) If he has had continuous membership for twenty or more years immediately before applying for limited membership under this Section, he may continue indefinitely to be an I.L.G.W.U. member and to pay all regular dues and, as long as he is a member in good standing, he shall be entitled

(A) during the first year to all benefits a member is entitled to, including coverage under the death benefit fund up to a maximum of $1,000 if his application is approved on or before August 31, 1971, and up to a maximum of $2,000 if his application is approved on or after September 1, 1971, except that in no event may the maximum exceed the local union's coverage for regular members;

(B) during the second year to the same benefits except vacation payments; and

(C) during the third year and thereafter, only to union health center service wherever available and coverage under the death benefit fund up to a maximum of $1,000 if his application is approved on or before August 31, 1971, and up to a maximum of $2,000 if his application is approved on or after September 1, 1971, except that in no event may the maximum exceed the local union's coverage for regular members.

(b) A member may apply to his local for continuation of his membership under this subdivision by presenting proof which satisfies the local that he is permanently incapable of work because of a major illness or disability. Such proof shall include a statement which identifies the illness or disability

and the date it began. It shall be made either by an I.L.G.W.U. union health center or by a physician acceptable to the local. If such application is granted by the local, it shall be submitted to the general secretary-treasurer for his approval. If the local denies the application, the member may appeal such denial to the general secretary-treasurer.

(c) If such member's local provides coverage under the death benefit fund for its members of less than the amounts specified above, then the amount it does provide shall be the maximum for a member under this Section.

Section 2. Member at least 60 years old and out of industry two years

(a) A member who has not worked in the industry for at least two continuous years and who would otherwise therefore be dropped from membership may be granted permission to retain limited benefits membership in the union by the general secretary-treasurer. Such permission may be granted only if the member is 60 or more years old and has been an I.L.G.W.U. member prior to application for such membership, for at least twenty years out of the last twenty-five years, of which the last ten years have been continuous.

(b) Such a member who is approved for limited benefits membership shall pay regular dues and shall be entitled to the following benefits as long as he is in good standing:

(i) maximum death benefit coverage of $500 if his application is approved on or before August 31, 1971, and up to a maximum of $1,000 if his application is approved on or after September 1, 1971; but if a local provides less than $500 or $1,000 coverage, then such member shall be entitled to maximum amount of coverage for a regular member of such local; and

(ii) service at a union health center wherever available and any other benefits provided by the local under its own rules and regulations for regular members.

Section 3. Rules of welfare funds

Sections 1 and 2 of this Article 18 set forth the benefits and privileges arising from membership in

the I.L.G.W.U. Where benefits are provided by funds or plans to which employers contribute, the right to such benefits shall be governed by the rules and regulations of such funds or plans.

Section 4. Loss of limited benefits membership

A member who is granted limited benefits membership shall be deemed to have relinquished all rights and privileges of membership including death benefits if such member becomes an employer or if his conduct is detrimental to the I.L.G.W.U. or a subordinate organization or contrary to trade union principles.

Article 19
MEMBERSHIP—SPECIAL PROVISIONS

Section 1. Withdrawal

(a) Any member who

(i) becomes an employer of workers in any industry;

(ii) becomes a member or partner in a corporation shop;

(iii) engages in an occupation in which he has the right to recommend the hiring and discharge of workers;

(iv) engages in an occupation which involves business dealings with employers in the industry; or

(v) accepts a position which would require him to perform any duties inconsistent with membership in the I.L.G.W.U. or a subordinate organization or inconsistent with the principles of organized labor;

is thereby deemed to have withdrawn from membership and to have lost all his membership rights and privileges upon the conclusion of such of the procedures under Articles 21-23 of this Constitution as are invoked.

(b) If such member thereafter gives up such activity and seeks to rejoin the I.L.G.W.U., he shall be treated as an applicant for new membership.

(c) Employment in any organization or enterprise connected with the labor movement is not included in the scope of this section.

Section 2. Assessments on readmission

No subordinate organization shall issue any dues

book to or accept payment of any fixed dues from a person to be readmitted to membership without receiving full payment of all I.L.G.W.U. assessments in effect for six months or more.

Section 3. Readmission after non-payment of dues

A member who has been automatically expelled for non-payment of fixed dues may be readmitted as a member only upon approval of the local membership committee or the executive board of the local. As part of the required reinstatement, such readmitted member shall pay all fixed dues, assessments, fines and other charges owing by him at the time of expulsion, in addition to all other sums imposed upon such readmitted member by the local membership committee or executive board.

Section 4. Prior discipline

A person who has been suspended, fined, expelled from membership, refused membership for cause under this constitution by a local or otherwise disciplined shall not be eligible for membership in any other local until all matters relating to such disciplinary action have been resolved.

Section 5. Approval upon readmission

A member who (i) has been suspended or expelled from membership after trial by the I.L.G.W.U. or a subordinate organization or (ii) has, following his withdrawal from membership, become an employer of workers or who has acted in a manner inconsistent with the interests of the I.L.G.W.U. or a subordinate organization or with trade union principles shall not be readmitted or reinstated to membership without the approval of the G.E.B. appeal committee. Readmission without such approval is invalid.

Section 6. Staff members

(a) A paid staff member of the I.L.G.W.U. or a subordinate organization may not continue to serve in such capacity for more than two years without becoming a member of the I.L.G.W.U. unless exempted from this requirement by the G.E.B.

(b) "Staff member," for purposes of this section, shall consist of all paid officers, business agents and organizers in the direct employ of the I.L.G.

W.U. and all paid officers, business agents, organizers, price adjusters and educational directors of subordinate organizations.

(c) If a staff member, at the time of his selection or appointment, is not then a member of the I.L.G.W.U., the privilege of becoming a member shall be extended to him upon the completion of two years' service as a staff member, if he applies for such membership. The provisions of this constitution on eligibility for membership and on continued and active attachment to the industry shall not apply to the membership of a staff member for purposes of this section.

(d) An application for such membership by a staff member shall be made to the subordinate organization which he serves at that time and must be approved by such organization and ratified by the G.E.B. If he was formerly a member of the I.L.G.W.U. but such membership has lapsed, the application must be made to the local of which he was a member immediately before his membership lapsed, approved by the local and ratified by the G.E.B. If he is on the staff of the I.L.G.W.U. his application shall be made to and must be approved by the G.E.B. If the staff member's service is terminated for any reason after he has been granted membership, then such membership shall automatically lapse and he shall return his membership book, unless he secures employment in and is actively attached to the industry.

PART IV — JUDICIAL PROCEDURES

Article 20
DISCIPLINARY GROUNDS

Section 1. Discipline of members

A member may be censured, fined, suspended, expelled or otherwise disciplined

(a) for violating any provision of this constitution or the by-laws of a subordinate organization;

(b) for failing to pay a fine imposed by the I.L.G.W.U., the G.E.B. or a subordinate organization;

(c) for disobeying or failing to comply in time with an order or decision of the I.L.G.W.U., G.E.B. or a subordinate organization;

(d) for misappropriating or attempting to mis-

appropriate money or property of the I.L.G.W.U., of a subordinate organization, or of welfare funds or plans providing benefits to I.L.G.W.U. members or for retaining for his own use or failing to deliver to his successor in any office or position any such property;

(e) for assuming, usurping or interfering with the functions or powers of, or without authorization acting in any manner as, an officer, executive board member, business agent, representative, employee or agent of the I.L.G.W.U. or of a subordinate organization;

(f) for assuming, usurping or interfering with the functions and powers of the I.L.G.W.U. or a subordinate organization or supporting an organization which does so;

(g) for holding membership, office or position in a dual union not established under this constitution which attempts to shape or influence the policies or actions of the I.L.G.W.U. or of a subordinate organization or for active support of such a dual union;

(h) for calling meetings of a subordinate organization or its members without authorization;

(i) for any action or conduct detrimental to the interests of the I.L.G.W.U. or a subordinate organization;

(j) for slandering or libeling, or distributing, directly or indirectly, any document which contains defamatory or derogatory statements concerning the I.L.G.W.U., a subordinate organization, or any of their officers, executive board members, business agents or other holders of elective or appointive positions;

(k) for knowingly preferring false charges against any other member;

(l) for any action or conduct unbecoming to a member which occurs in connection with his membership in the I.L.G.W.U. or employment in its jurisdiction;

(m) for working as a strike breaker;

(n) for violating union standards of wages, hours and working conditions;

(o) for working in a shop not party to a collective bargaining agreement with the I.L.G.W.U. or a subordinate organization, unless he does so with the specific permission of his local;

(p) for making an individual contract of employment with an employer without the written consent of his local;

(q) for giving security to an employer;

(r) for making a false statement on his application for membership or at his medical examination, where required;

(s) for disclosing to any person other than another member any union decision or proceedings which have not been publicly disclosed by the union; and

(t) for resorting to the courts or any public board or agency for redress of an alleged wrong committed by the I.L.G.W.U. or a subordinate organization or any of their officers, executive board members, business agents or other holders of elective or appointive positions, before exhausting all remedies provided in this constitution, unless contrary to law.

Section 2. Unauthorized use of revenues

Any member and any person who holds an elective or appointive office or position in the I.L.G.W.U. or a subordinate organization who makes or authorizes payments of regular revenue for purposes other than those permitted under this constitution may be removed from office or position, censured, fined, suspended, expelled, or otherwise disciplined.

Section 3. Removal from office or position

Any person who holds an elective or appointive office or position, any executive board member or business agent, of the I.L.G.W.U. or a subordinate organization, or any staff member in the direct employ of the I.L.G.W.U., may be removed from his office or his position or otherwise disciplined for any violation of this constitution or the by-laws of the body which he serves, or because of any event or the commission of any act which tends to impair his usefulness or to impair the usefulness of the union, or which interferes with the performance by the union of its legal or contractual obligations, or which is unbecoming to the dignity of the office or position held by him.

Section 4. Compliance with collective bargaining standards

(a) No member shall work at standards or conditions lower than those fixed by his subordinate organization.

(b) A failure by any person to comply with the policies of the I.L.G.W.U. or the directives of the G.E.B. concerning standards for the negotiation and enforcement of collective bargaining agreements shall constitute a violation of this constitution.

Article 21
FILING AND HEARING OF CHARGES

Section 1. Hearings

(a) A member shall not be censured, fined, suspended, expelled or otherwise disciplined, and the charter of a subordinate organization shall not be suspended or revoked for misconduct, without a proper notice and statement of charges and a fair opportunity to present a defense, except as this constitution may elsewhere provide for automatic fine, suspension, expulsion or other discipline.

(b) No person who holds an elective or appointive office or position, executive board member or business agent or organizer of the I.L.G.W.U. or a subordinate organization shall be removed from his office or position without proper notice and statement of the charges against him and a fair opportunity to present a defense. However, an officer or business agent against whom charges are filed may, pending his trial, be suspended or discharged by the president or the G.E.B. or the executive board of his subordinate organization.

(c) A staff member, as defined in Section 6(b) of Article 19, of a subordinate organization not covered by subdivision (b) of this Section 1 who has been suspended or discharged may request review of such action by the president.

Section 2. Written charges and notice

Charges must be submitted in writing to the secretary of the appropriate trial committee who shall refer such charges to the committee. He shall give the accused and the accuser a written statement of the charges.

Section 3. Local not in joint board or district council

The grievance committee of a local which is not part of a joint board or district council shall initially try charges made by one member of the local against another.

Section 4. Local in joint board or district council

The grievance committee of a local which is part of a joint board or district council shall initially try charges made by one member of the local against another member of the same local which do not involve violations of standards and working rules.

Section 5. Joint board or district council grievance committee

The grievance committee of a joint board or district council shall initially try:

(a) charges made by a member of one of its subordinate locals against a member of another such local;

(b) charges by a member against an administrative division of such local; and

(c) charges involving violation of standards and working rules established either in collective bargaining agreements or otherwise.

Section 6. Charges against members of other locals

(a) The grievance committee of a local shall initially try charges made against one of its members by a member of another local if the two locals are not part of the same joint board or district council.

(b) The grievance committee of a joint board or district council, or of a local which is not part of a joint board or district council, shall initially try charges against an I.L.G.W.U. member who works in a shop under its jurisdiction or control but who is not himself a member of such subordinate organization. It shall try such charges under the same circumstances it may try a member of one of its own locals or one of its own local members. Any fine which is assessed shall be paid to the subordinate organization which assessed it. Notice of the decision shall be given to the local to which such I.L.G.W.U. member belongs.

Section 7. Charges against local executive board members and representatives

Charges involving a member of a local executive board or a person who holds an elective or appointive office or position in a local shall initially be tried by a special committee appointed for that purpose by the executive board. The report of the special committee shall be submitted to the executive board, which may accept, reject or modify it, without participation in the decision by the person charged.

Section 8. Charges against joint board or district council representatives

Charges against a delegate to a joint board or district council, against a business agent or other person holding an elective or appointive office or position in a joint board or district council or against any person serving two or more locals in an official or other elective or appointive capacity shall initially be tried by a committee of the joint board or district council which he serves or to which the several locals which he serves belong. The decision of this trial committee shall be submitted to the joint board or district council which may approve, modify or reverse it by a majority vote of the delegates present at the meeting of the joint board or district council. If the locals served by the accused member shall not be part of the same joint board or district council, then the trial shall be conducted by the combined executive boards of all the locals directly interested or by a special trial committee composed of an equal number of members from each of such locals, and the decision of such trial body shall be conclusive, unless or until modified or reversed on appeal.

Section 9. Charges against general officers

Charges against any general officer of the I.L.G.W.U. shall be filed with the G.E.B. appeal committee. Such charges may be preferred only by a subordinate organization as such.

Section 10. Charges by general officer of slander or libel

Any general officer of the I.L.G.W.U. who has been slandered or libeled by a member may submit charges against him to the G.E.B. appeal committee.

The secretary of the committee shall call it into special session to try such charges not later than 15 days after he has received them and shall give due notice to the accused member of the time and place of such trial. The appeal committee may order that such trial be before the local or other subordinate organization to which the accused member belongs.

Section 11. Charges against dismissed member

Any member who commits an offense while in the direct employ of the I.L.G.W.U. may, not withstanding his removal from office or position by the president or the G.E.B., be brought up on charges for such offense. Such charges shall initially be tried by the G.E.B. appeal committee.

Section 12. Charges against G.E.B.

Charges against the G.E.B., as such, shall be referred to the convention of the I.L.G.W.U.

Section 13. Charges against joint board, district council, joint council

Charges against a joint board, district council or joint council, as such, shall initially be tried by the G.E.B. appeal committee or a special committee it may appoint for such purpose.

Section 14. Charges against local executive board

Charges against an executive board, as such, of a local which is not part of a joint board or district council shall initially be tried by the G.E.B. appeal committee. Charges against an executive board, as such, of a local which is part of a joint board or district council shall initially be tried by the joint board or district council grievance committee or a special committee appointed by the joint board or district council.

Article 22
TRIAL PROCEDURES

Section 1. Notice and time of trial

The secretary of the appropriate trial committee shall give the accused and the accuser written notice of the time and place of the trial hearing. Such hearing shall be held between five days and one month after such charges are received by the two parties.

Section 2. Minutes

The secretary of a grievance, trial or appeal committee shall file the minutes of all trials and appeals in the office of the union of which it is a part.

Section 3. Witnesses and representation

The accused person shall at all trials have the right to question all witnesses who may testify against him and to call such witnesses and present such evidence in his defense as he may deem necessary. He may do so in person or by a representative who shall be a member in good standing but not a general officer of the I.L.G.W.U. The accuser shall have the right to be represented by a representative in the same way as the accused. However, where there is a joint trial of more than one person upon charges accusing them of participation in the same offense, or accusing them of similar offenses arising out of the same transaction, there shall be only one representative for all such accused persons, and such representative shall be chosen by agreement of all the accused. Similarly, in a trial upon charges preferred by more than one accuser, there shall be only one representative for all such accusers, and such representative shall be chosen by agreement of all the accusers.

Section 4. Failure to appear at trial

If the accused member fails to appear at the time and place designated for the trial without presenting a good reason for his absence, the trial body shall proceed to take testimony and try the case in the same manner as if the accused member were present.

Section 5. Surrender of dues book

Before the trial begins, the accused shall surrender his dues book or card to the trial committee. It shall not be returned to him until he has complied with the committee's decision on the charges.

Section 6. Penalties

(a) The trial committee shall have the right to censure, fine, suspend, expel or otherwise discipline in accordance with the provisions of this constitution. Judgments of suspension or expulsion from member-

ship shall become effective on ratification by the executive board of the subordinate organization or the G.E.B.

(b) A fine imposed by any decision must be paid in full within the time specified in such decision or, if no time is specified, within thirty days after the decision is issued. If a fine is not so paid, the member shall lose his good standing, shall not be permitted to pay dues and shall be subject to charges under Section 1 of Article 20.

Section 7. G.E.B. investigative authority

(a) In connection with any pending charge or investigation, the G.E.B. and its authorized representatives may (i) direct the production of books or records by any subordinate organization or any officer, member or employee or any person having custody or control of such books or records and (ii) direct any member to appear before it or its authorized representatives to give testimony in connection with any pending charge or investigation.

(b) The G.E.B. is authorized to pay the expenses of such witnesses out of the general funds of the I.L.G.W.U.

Section 8. Disqualification from trial and appellate tribunals

A member of the G.E.B. or of an executive board or grievance committee of a subordinate organization who has charges preferred against him or who has preferred charges or taken the action appealed from shall be disqualified from sitting on any board or committee in his own trial or on an appellate body considering such charges.

Section 9. No double jeopardy

No person shall be tried twice by the same body on the same charge, except where a retrial has been ordered by an appellate body.

Article 23
APPEALS

Section 1. Final decisions and appellate powers

(a) All decisions of trial and appeal bodies shall be binding as soon as rendered, until reversed by a higher tribunal.

(b) Any body to which an appeal from a decision has been taken may affirm, modify or reverse such decision.

Section 2. Requirements for appeal

Before appealing, a member shall pay in full any fine which has been imposed upon him, unless the payment of any part of the fine has been deferred by the appropriate subordinate organization pending appeal. If such organization has accepted or permitted an appeal without requiring payment in full of the fine, pending appeal, any higher appellate body to which an appeal has been taken, except a convention, may hear the appeal without requiring any further payment on account of the full amount of the fine. To appeal to a convention, a member must first pay the fine in full or such part of it which does not exceed fifty dollars. In urgent cases, however, the G.E.B. or a subordinate organization or their appeal committees may, in their discretion, suspend action on any decision until after the hearing and decision of the appeal committee or for such other period it deems proper.

Section 3. Appeal from decision of local in joint board or district council

Any accused or complaining member who feels aggrieved at a final decision of a grievance committee or appeal committee of a local which is part of a joint board or district council may appeal such decision to the appeal committee (or grievance committee if it has no appeal committee) of such joint board or district council, except that if the appeal is from a decision of the local union executive board on a penalty of suspension or expulsion from membership, the appeal shall be to the joint board or district council itself. Such appeal must be taken within thirty days after the local body's final decision is issued.

Section 4. Appeal from decision of local not in joint board or district council and from decision of joint board or district council

Any accused or complaining member who feels aggrieved by a decision of the grievance committee of a local or, where applicable, the decision of the

local itself, when the local is not part of a joint board or district council, or by the initial or appellate decision of the Grievance Committee or Appeals Committee of a joint board or district council, or, where applicable by the decision of a joint board or district council itself, may appeal from such decision to the G.E.B. appeal committee. Such appeal must be taken within thirty days after the decision appealed from is issued.

Section 5. Appeal from decision of G.E.B. appeal committee or of G.E.B.

(a) Any accused or complaining member who feels aggrieved by the decision of the G.E.B. appeal committee where it acts as the initial trial body may appeal from such decision to the G.E.B. Such appeal shall be based on the preceding record of the case and shall not entitle the member to a hearing. Further appeal by such member from such decision of the G.E.B. may be made to the next triennial or special convention.

(b) Any accused or complaining member who feels aggrieved by an appellate decision of the G.E.B. appeal committee shall have the right to appeal such decision to the next triennial or special convention.

(c) Notice of such appeals to a convention must be filed with the general secretary-treasurer at least thirty days before the convention opens, unless the decision appealed from is rendered less than thirty days before the opening of the convention, in which event the appeal must be filed no later than the second day of the convention.

(d) The G.E.B. may on its own motion review, affirm, modify or reverse a decision of the G.E.B. appeal committee.

(e) Any decision of the G.E.B. on any matter shall be binding on all subordinate organizations and all members. Any subordinate organization or any member who feels aggrieved by such decision may, after complying with such decision, appeal from it to the next triennial or special convention.

PART V — DISPUTES AND STRIKES

Article 24
DISPUTES, STRIKES, STRIKE BENEFITS

Section 1. Settlement of disputes

Whenever any dispute arises between a member of any local and his employer, the member shall place the case before the authorized representatives of the subordinate organization designated for that purpose, who shall make every possible effort to settle the dispute.

Section 2. Notice and approval of strikes

(a) A local which is not part of a subordinate organization shall notify the G.E.B. of the dispute before declaring a strike or the existence of a lockout.

A local which is part of a subordinate organization shall submit all disputes to it. The G.E.B., however, may require that it be consulted by such subordinate organization.

Controversies which may lead to a strike involving two-thirds of a branch of the industry in a locality must in any event be reported first to the G.E.B.

(b) The G.E.B. may veto any proposed strike. Such veto shall be binding and conclusive.

(c) Whenever any occupation is involved in a strike or lockout, the G.E.B. shall have the power to order a strike in such other occupations in the same branch of the industry as it may deem necessary in order to assist the workers on strike.

Section 3. Organization and strike fund

No part of the I.L.G.W.U. organization and strike fund shall be used for any purpose other than that of organization and providing out-of-work relief to needy participants in a strike which has been sanctioned by the G.E.B. or who are unemployed because of a lockout which has been so determined by the G.E.B. The out-of-work relief to needy recipients shall be thirty dollars per week, of which fifteen dollars shall be paid out of the I.L.G.W.U. organization and strike fund. The other fifteen dollars per week shall be paid by the subordinate organization involved in the dispute, in addition to any other amount such subordinate organization may wish to

grant subject to the approval of the G.E.B. The first payment of relief shall be for the second week of a strike or lockout.

Section 4. Financial assistance

No financial assistance shall be given in any strike or lockout by the I.L.G.W.U. or the I.L.G.W.U. organization and strike fund unless the president or the G.E.B. has been notified officially of the dispute before the strike is called or the lockout declared and has approved such action.

PART VI — FINANCES

Article 25
PER CAPITA TAX

Section 1. Amount and allocation

(a) Each local shall pay to the I.L.G.W.U. a basic monthly per capita tax of two dollars per member.

(b) To provide for specific allocations, each local shall pay monthly to the I.L.G.W.U. seventy-five cents per member as an additional part of the per capita tax, making the total monthly per capita payable by each local two dollars and seventy-five cents per member.

(c) Of such additional seventy-five cents of the per capita tax fifty cents shall be allocated to the I.L.G.W.U. organization and strike fund and twenty-five cents shall be allocated to pay for promotion of the I.L.G.W.U. union label.

(d) Eight and one-third cents of the basic monthly per capita tax per member shall be paid to the death benefit fund.

(e) Ten cents of the basic per capita tax shall be allocated for a subscription to one of the I.L.G.W.U.'s official newspapers to be mailed to each member.

Article 26
DUES

Section 1. Definition of dues

Dues shall include fixed dues, initiation fees and assessments. Fixed dues consist of membership dues payable on a monthly or weekly basis.

Section 2. Fixed dues

(a) The amount of monthly fixed dues each member shall pay to his local, which shall be at least five dollars and fifty cents, shall be determined by each local, except when an I.L.G.W.U. convention has made a decision regulating fixed dues.

(b) If a convention increases the amount of the per capita tax paid by each local to the I.L.G.W.U., the convention shall also determine the amount of the increase, if any, in the fixed dues to be paid by members to each local. Such determination shall be binding and mandatory upon each local, as fixing the minimum amount of such increase.

(c) The fixed dues payable by members as of June 30, 1974 shall be increased by one dollar on July 1, 1974. Each local shall continue to have the right, in its own discretion, to adopt a larger increase.

(d) Where local unions do not maintain their own full-time paid officers, but are serviced by the staff of a joint council, a department, a region or an area, the G.E.B. shall determine the allocation of dues income between such joint council, department, region or area, and the local unions it services.

Section 3. Weekly dues system

Where it is necessary and practical, the president may authorize a local to use a weekly system of dues payments. In such cases, the weekly per capita tax and assessments due to the I.L.G.W.U. shall be such monthly payments required under this constitution divided by four and one-third.

Section 4. Initiation fees

Each local shall pay to the I.L.G.W.U. two and one-half dollars of the initiation fee of each new member.

Article 27
ASSESSMENTS

Section 1. I.L.G.W.U. assessment

A convention may levy assessments upon members of the I.L.G.W.U. for such purposes and in such amounts as it may deem advisable. However, if the majority of the delegates to a convention so decides,

the question of levying an assessment shall be submitted to a referendum vote of the entire membership.

Section 2. Strike assessment

(a) To assist subordinate organizations in strikes or lockouts, the G.E.B. may levy an assessment of twenty-five cents per week per member on all its subordinate organizations for not more than twenty weeks in any one calendar year.

(b) Such assessments shall not go into effect until it has been approved by a majority of members voting in a referendum.

(c) Such assessment shall be levied upon the basis of each local's membership according to the records maintained by the I.L.G.W.U. general office on the day the G.E.B. approves such levy. However, this membership figure may be corrected in light of the average sale of dues stamps between the date of the G.E.B. approval of the assessment and the next convention.

(d) Such assessment shall be collected by each local from its members. Its receipt shall be evidenced by a special assessment stamp issued by the I.L.G.W.U.

Section 3. Assessment by local, joint board, district council

(a) A local, joint board or district council may levy an assessment in cases of necessity.

(b) A local assessment shall be initiated and recommended by its executive board and then submitted to a special meeting of the local's members. A joint board or district council assessment shall be initiated and recommended by the joint board or district council and then submitted to a special meeting of each of its subordinate locals.

(c) Notice of such special meetings shall state that an assessment will be the subject of a vote. To become effective, the assessment must be approved by a clear majority of voters at the special local meeting in the case of a local assessment and by a clear majority of all the voters who vote in the special meetings called by the subordinate locals in the case of joint board or district council assessments.

(d) If an assessment is approved, the executive board in the case of a local assessment and the joint board or district council in the case of an assessment it levies shall determine when the assessment shall be paid by members. It shall fix the maximum period, not to exceed three years, during which members who are thereafter admitted to the local or to the subordinate locals shall be required to pay such assessment.

Article 28
FINANCIAL RECORDS AND OTHER PROVISIONS

Section 1. Payment by check or money order

All moneys paid by a subordinate organization to the I.L.G.W.U. shall be paid by check or by post-office or express money order.

Section 2. Prompt payment

Each local shall promptly pay its per capita tax, assessments, initiation fees and other payments due the I.L.G.W.U. within thirty days after demand. If a local is unable to make prompt payment, it may apply to the G.E.B. for an extension of time.

Section 3. Extension of time

The G.E.B. may grant extensions of time to a subordinate organization, upon application and for good cause, to pay per capita tax, assessments, initiation fees and other payments due the I.L.G.W.U.

Section 4. Waiver

Whenever the president deems it necessary for the promotion of collective bargaining to waive or reduce requirements relating to per capita tax, initiation fees, assessments and local dues, or to permit a weekly dues system, he may do so for a period not to exceed six months or any longer period the G.E.B. may approve.

Section 5. Dues books and cards

There shall be a fixed dues book or card for each member, which shall be approved by the general secretary-treasurer.

Section 6. Stamps and receipts

(a) The I.L.G.W.U. shall issue uniform monthly or weekly dues stamps as receipts for payment of the per capita tax and a stamp as a receipt for payment of that portion of the initiation fee paid to the I.L.G.W.U. Such stamps shall be paid for in advance by the local to the I.L.G.W.U.

(b) A local which levies an assessment shall issue a uniform stamp as receipt for its payment by a member.

(c) Fixed dues stamps, initiation fee stamps and assessment stamps issued by the I.L.G.W.U. or a subordinate organization and other evidence of the receipt of moneys for these and other moneys shall be fixed by the local on each member's dues books.

(d) Such stamps or other forms of receipts authorized by the general secretary-treasurer shall be used by subordinate organizations as the sole form of receipts of such moneys.

Section 7. Machine system

Whenever the general secretary-treasurer authorizes a subordinate organization to use a machine record-keeping system, the notation of receipt made by the machine on a fixed dues book or an office record shall be a valid receipt for the amount so noted and shall be a valid substitute for stamps or other evidence required under this constitution of the payment of fixed dues, initiation fees, assessments and other required payments.

Section 8. Designation of banks

The G.E.B. shall for the I.L.G.W.U., and its executive board shall for a subordinate organization, designate the bank or banks in which its funds shall be deposited and shall designate the officer or officers or other persons authorized to withdraw such funds by check or other order for the payment of money.

Section 9. Specific purpose account

Moneys received by a subordinate organization from its members or other subordinate organizations for a specific purpose shall not be used for any other purpose. All such moneys shall be deposited and held in a separate account. In an emergency, a subordinate organization may borrow from

such account for any purpose consistent with the objectives of the subordinate organization, if such loans are approved by a majority vote of such organization's executive board and by the G.E.B.

Section 10. Forms and records

(a) The general secretary-treasurer shall supply to the secretary of each subordinate organization forms to be completed, signed and forwarded to the general secretary-treasurer not later than the sixth day of each month. Such forms shall show the income of the subordinate organization from dues and from all other sources, the amount of fixed dues stamps and assessment stamps purchased by the subordinate organization from the I.L.G.W.U. for each month of the year, and all disbursements made by the subordinate organization each month.

(b) The officers of the subordinate organization shall produce its books whenever demanded by the G.E.B. or by any person designated by the G.E.B.

PART VII — OTHER PROVISIONS

Article 29
WELFARE FUNDS

Section 1. Definition of funds

This Article 29 shall apply to all funds and plans (collectively called "funds") providing benefits to workers or their dependents, including funds to which employers are obligated to contribute under a collective bargaining agreement with the I.L.G.W.U. or a subordinate organization. Such benefit funds include health and welfare funds, health and vacation funds, sick benefit funds, retirement funds, severance funds, supplementary unemployment benefit funds, death benefit funds and other funds and plans providing benefits to workers in the industry or their dependents.

Section 2. Use and investment of fund moneys

All moneys received by the I.L.G.W.U. or a subordinate organization as contributions to a fund or funds for the benefit of workers or their dependents shall be in a separate bank account. The moneys in such account shall be used only for the specific pur-

poses of such fund or funds and for its administrative expenses, and shall not be used for any other purpose. No loans shall be made by such funds to the I.L.G.W.U. or to subordinate organizations or to members.

No donations shall be authorized or made from such funds to any institution or organization unless it renders a service directly related to the health or welfare of workers in the industry or their dependents and unless it appears on the list of institutions and organizations which have received the approval of the G.E.B. workers' benefits committee.

The surplus moneys or reserves of such a fund shall be invested only in securities which have received the approval of the G.E.B. workers' benefits committee. All bonds, securities, or other documents representing investments of such funds shall be placed in safekeeping under the control of the I.L.G.W.U. or, if the moneys are received by a subordinate organization, under the joint control of representatives of such subordinate organization and a representative of the I.L.G.W.U. designated by the G.E.B. workers' benefits committee.

Section 3. G.E.B. supervision of funds

The G.E.B. shall have general power of supervision and coordination of all such funds. All by-laws, regulations, plans, resolutions or decisions affecting the disbursements of such funds shall become effective only after they have received the approval of the G.E.B. workers' benefits committee. This requirement shall also apply to any fund which is administered jointly by the I.L.G.W.U. or a subordinate organization and employers. Where the fund is jointly administered, subordinate organizations and their authorized representatives and I.L.G.W.U. representatives shall not give their assent to the payment of benefits from such fund or to any changes or amendments thereto unless they have received the approval of the G.E.B. workers' benefits committee.

Section 4. Administrative expenses

(a) Except as may otherwise be approved by the G.E.B. workers' benefits committee, the administrative expenses of such a fund in any one year shall

not exceed the following percentages of contributions to such fund during that year:

(i) a welfare fund, however named—six (6%) per cent;

(ii) a retirement fund—four (4%) per cent;

(iii) a severance-supplementary unemployment benefits fund—two (2%) per cent; and

(iv) a welfare fund which collects money from employers for transmission to other welfare funds—three (3%) per cent.

(b) The G.E.B. workers' benefits committee may approve expenditures in excess of the amount specified above only if it receives proof which satisfies it that such expenditure is necessary to further the purposes of the fund.

Section 5. Death benefit fund

The death benefit fund, as heretofore established and supplemented and as consolidated in 1953, is continued as a single and irrevocable trust fund to be administered by the G.E.B. and its designees in accordance with the fund's rules and regulations. Its assets shall be invested in accordance with the requirements of the laws of the State of New York.

Article 30
PROPERTY

Section 1. Charter

The charter and outfit granted to a subordinate organization shall be and remain the property of the I.L.G.W.U., to be used by the subordinate organization only so long as it complies with this constitution and the policies, rules and directives of the I.L.G.W.U. and the G.E.B.

Section 2. Dues, fines, dues books

All dues and fines paid by members are the property of the I.L.G.W.U. They are so paid for the use and benefit of the I.L.G.W.U. but may be held and used for their associate purposes by subordinate organizations which hold a valid charter or other authority. Each dues book is the property of the I.L.G.W.U. and shall be delivered by the member to his local upon request.

Section 3. Property held by subordinate organizations

(a) All funds and other property held by or for a subordinate organization are the property of the I.L.G.W.U. but may be held by or for such organization for its associate purposes only as long as it holds a valid charter or other authority issued by the G.E.B. which has not been suspended or revoked or has not become invalid.

(b) When the charter or other authority of a subordinate organization is revoked, suspended or becomes invalid, the charter, outfit, funds, books, records and other property held by or for such subordinate organization shall immediately be delivered to and all appurtenant rights transferred to the I.L.G.W.U. It shall administer all such property in the best interests of all the members of the I.L.G.W.U. Such delivery and transfer shall be made immediately to the general secretary-treasurer by the bonded officer or person with custody or control of such property.

(c) Funds or other property held for a specific purpose by or for a subordinate organization (or for the benefit of the worker it represents) whose charter or other authority is revoked, suspended or becomes invalid shall likewise be delivered and transferred to the I.L.G.W.U. in the same manner. It shall be held in trust by the G.E.B. to be used only for its specific purposes. If the G.E.B. issues a charter to another subordinate organization in place of the subordinate organization whose specific purpose fund is so held in trust by the I.L.G.W.U., such fund, may at the discretion of the G.E.B., be delivered and transferred to such new subordinate organization for such specific purpose.

Section 4. Bond and custody of property

Each officer and person having custody or control of the funds or property of the I.L.G.W.U. or of a subordinate organization shall give a bond of a reliable surety company in the form approved and in an amount fixed by the G.E.B. Each officer, executive board member, business agent, representative and employee of the I.L.G.W.U. and its subordinate organizations shall deliver to his successor or to the G.E.B. upon demand all funds and property in his possession or control received by him from his prede-

cessor, from employers as contributions to specific purpose funds, from members or applicants for membership or shop employees, from any subordinate organization or from any source for union purposes, for funds, for members, and all accretions thereon. He shall not be released from his bond until he has fully accounted for and delivered such funds, property, and accretions.

Section 5. Misappropriations

No final action concerning misappropriated funds shall be made by any subordinate organization without consent of the G.E.B.

Section 6. Security deposits

(a) Security deposited by employers for the faithful performance of their agreements shall be deposited in a separate account controlled by the I.L.G.W.U. or jointly by the I.L.G.W.U. and one or more of its subordinate organizations. No funds shall be withdrawn without the signature of the general secretary-treasurer.

(b) Only such security which is declared forfeited in accordance with such agreements shall be withdrawn from such account.

Section 7. Real property

(a) A subordinate organization which acquires real property shall form a corporation to hold such property. The corporation so formed shall be a stock-corporation and all of its stock shall be issued in the name of the subordinate organization, except for such qualifying stock as is required by law to be issued to the individual directors of such corporation. All such stock whether issued to the subordinate organization or individual directors shall be endorsed by the holders in blank and delivered to the general secretary-treasurer to be held by the G.E.B. in trust for the members of the subordinate organization under the provisions of this constitution. The board of directors of such corporations shall be appointed by the local executive board or by other subordinate organizations. If one of the directors loses his union office, position or employment as the result of an election or otherwise, retires, dies, or is otherwise disqualified from acting as director, the stock issued

in his name shall be transferred to his successor and be endorsed and deposited by the latter as provided herein.

(b) Such corporation may be organized as a non-profit membership corporation as long as effective control is vested in the G.E.B.

(c) There shall be no deviation from these requirements without the prior approval of the G.E.B.

Section 8. Investments

The G.E.B. shall have power for the I.L.G.W.U. and the executive board of a subordinate organization shall, under the supervision of the G.E.B., have power for such organization to invest the funds held by it in such securities and investments as it may deem advisable and which are investments of the type specifically approved by the G.E.B. and to purchase or sell, for cash or on credit, convert, redeem, exchange for other securities or other properties, or otherwise dispose of, any securities or other property at any time held by it. It shall have power to designate agents with full or limited written authority to execute and deliver assignments, transfers or other written instruments and to exercise any right appurtenant to securities or other property held by it at any time. It shall have power to borrow money for its associate purposes and to pledge or hypothecate these securities or investments held by it as security for the payment of such loans. The I.L.G.W.U. may guarantee the payment of any obligation or debt of any subordinate organization.

Section 9. Prohibited uses

The withdrawal, transfer or use of funds or property in a manner not provided for herein is a violation of this constitution.

Article 31
AFFILIATIONS

Section 1. A.F.L.-C.I.O. and Canadian Labour Congress

The I.L.G.W.U. shall affiliate with the American Federation of Labor-Congress of Industrial Organizations and the Canadian Labour Congress. It shall not withdraw from either such affiliation unless the

withdrawal is approved by a referendum vote of its membership. Members shall vote upon the question of such withdrawal in their respective locals and the affirmative vote of two-thirds of all members voting shall be necessary to effect such withdrawal. The balloting shall be under the strict supervision of the G.E.B.

Section 2. Local federations

Each subordinate organization shall join central labor unions and state or provincial federations of labor.

Section 3. Other affiliations

The G.E.B. may on behalf of the I.L.G.W.U. enter into relations by way of affiliation or otherwise with other labor organizations, including those in the apparel industry operating in this or another country or on an international scale, and to appoint delegates or other representatives to represent the I.L.G.W.U. at conventions, conferences or other delegated bodies of such organizations.

Section 4. Representatives

The G.E.B. shall have the power to designate and appoint on behalf of the I.L.G.W.U. the persons to serve as members of any board, body or committee, governmental or otherwise, on which the I.L.G.W.U. is to be represented.

Article 32
SHOP CHAIRMAN

Section 1. Shop chairman required

There shall be a shop chairman in every shop organized by the I.L.G.W.U. or a subordinate organization.

Section 2. Designation and removal

The shop chairman may be selected or removed by the members of the I.L.G.W.U. in his shop or may be designated or removed by the subordinate organization or its designated representative.

Section 3. Duties of shop chairman

The shop chairman shall represent the workers in the I.L.G.W.U. jurisdiction in his shop in day-to-day

dealings with the employer. It shall be his duty to see that the provisions of the collective bargaining agreement are complied with, but he shall have no power to waive or modify any of its provisions, to initiate or make policy, or to bargain or negotiate collectively concerning terms or conditions of employment. The shop chairman shall in all his actions be subject to the supervision, guidance and control of the officers or designated representatives of his subordinate organization. He shall promptly bring to the attention of the officers or designated representative of his subordinate organization any complaint, violation or grievance and any matter of importance affecting the workers. He shall promptly bring to the attention of workers all union communications. He shall endeavor to enforce compliance by members with the constitution, by-laws, policies, rules and regulations of the I.L.G.W.U. and the subordinate organization and endeavor to have members maintain themselves in good standing.

Section 4. Persons barred as shop chairman

(a) Any officer, business agent, representative or executive board member who has resigned from his office or position in the I.L.G.W.U. or any subordinate organization, or any shop chairman or member of a shop price committee who has resigned while charges are pending against him, or any officer, business agent or executive board member who has been removed from any office or position shall be barred thereafter from serving as shop chairman or member of a shop price committee without first obtaining the approval of the G.E.B. However, where the resignation while charges were pending against him was by a shop chairman or member of a shop price committee, the approval need be only by a general officer.

(b) Any member who has been found guilty of violating union work standards, or of misconduct, or of violating any of the provisions of this constitution shall not be eligible to serve as shop chairman or as member of a shop price committee, for a period of at least three years from the date of the completion of his trial, or for such longer period as may have been imposed upon him for the offense. However. a member so found guilty may be permitted by his local to serve as shop chairman or member of a shop

price committee before the expiration of any such period, if in the judgment of the local the nature of his offense was not such as to prevent such service and if such permission is approved by a general officer.

Article 33
LIABILITY

Section 1. Liability of I.L.G.W.U.

No officer (except a general officer of the I.L.G.W.U.), executive board member, person holding an elective or appointive position, organizer, employee, representative or agent of the I.L.G.W.U. or of a subordinate organization and no subordinate organization shall make or be empowered to make any contract or incur any liability or act for the I.L.G.W.U. or represent, commit or bind the I.L.G.W.U. or receive legal process on its behalf binding upon the I.L.G.W.U., unless authorized in writing by the G.E.B. The I.L.G.W.U. shall not be liable under any contract or for any acts of any such organization or any such person, unless authorized in writing by the G.E.B., by the president, by the general secretary-treasurer or by the executive vice-president, or for any conduct or act by any of them which violates this constitution.

Article 34
MISCELLANEOUS PROVISIONS

Section 1. Mandatory retirement

(a) Anyone who holds a general office or a paid office or position shall be required to retire at the age of 65 unless his request to continue in such office or position is approved. Such approval must be given by the G.E.B. for a general office and in all other cases by the executive board of the local, joint board, joint council, or district council he serves and must be ratified by the G.E.B., and must be given by the G.E.B. where the office or position is in the direct employ of the I.L.G.W.U. Such approval or ratification may be limited to a specified period and shall be subject annually to review and withdrawal at the sole discretion of such executive board or the G.E.B.

If a general officer's request for approval is denied by the G.E.B., he may appeal to a convention. Where

the office or position is in a subordinate organization, if such person's request for approval is denied, he may appeal to the G.E.B. whose decision shall be final.

(b) Notwithstanding subdivision (a), anyone who holds a general office or paid office or position must retire upon reaching the age of 68. However, any such person who is elected or appointed to such office or position prior to July 2, 1974 may continue to hold such office or position for the remainder of that term without regard to his age but in no event beyond the last day of the 1977 convention of the I.L.G.W.U. and subject to the provisions of subdivision (a).

(c) The term of all general and paid offices and positions is limited in accordance with the foregoing subdivisions of this Article.

Section 2. Future employment

(a) Each person who is elected or appointed to a full-time paid, elective or appointive office or position in the I.L.G.W.U. or in any subordinate organization and each of their employees who deals with employers on terms or conditions of employment or in connection with the enforcement or observance of agreements is deemed to agree that if for any reason his term of office or position or tenure of employment is terminated,

(i) he will not seek or accept, for a period of at least five years from the date of such termination, any office or employment with an employer or an association or group of employers which requires him to represent them in any dealings with the I.L.G.W.U. or with any of its subordinate organizations in the branch or branches of the industry or in the area in which he has held union office or position; and

(ii) the I.L.G.W.U. or the appropriate subordinate organization shall and may refuse to deal with him if he violates this undertaking, and may utilize any other available remedy to prevent any actual or threatened breach of such undertaking; and

(iii) he consents to issuance of any injunction against any such actual or threatened breach.

(b) This agreement by such person is automatically effectuated by his acceptance of such office or

position or employment. It is a condition to his holding such office or position and shall be a limitation on his tenure.

Section 3. Solicitation of charitable contributions, etc.

No subordinate organization and no member, officer, representative, agent or employee of the I.L.G.W.U. or of a subordinate organization shall, without first obtaining the consent of the G.E.B. to the specific instance involved, solicit or accept, directly or indirectly, from any employer in the industry any money, property or any other thing of value for any charity or charitable institution, drive or campaign, etc., or for the payment of any advertisement, greeting, ticket, etc., or as a gift, contribution, donation, gratuity etc., irrespective of the purpose for which it is intended to be used.

Section 4. Contagious or dangerous diseases

To avoid endangering other workers, a member who is certified by a physician as suffering from a contagious or dangerous disease shall not be permitted to work in a shop under I.L.G.W.U. jurisdiction. Such a member shall be directed in writing by his local to terminate his employment and not take any employment in any shop within I.L.G.W.U. jurisdiction until he receives medical certification satisfactory to the local that he no longer has such disease. If he fails to comply with such direction, he shall be automatically suspended from membership.

Article 35
APPLICATION AND AMENDMENT OF CONSTITUTION

Section 1. Interpretation

This constitution and the rules and by-laws of subordinate organizations shall be interpreted according to their plain and obvious meaning. Should there be doubt as to the meaning of any provision, the president, between sessions of the G.E.B., and the G.E.B., between sessions of conventions, shall interpret this constitution. The president's interpretation shall be final unless reversed by the G.E.B. or

by a convention and the G.E.B.'s interpretation shall be final unless reversed by a convention.

Section 2. Binding effect

This constitution shall be binding upon the I.L.G.W.U. and each local union, joint board, joint council, district council and other subordinate organization of the I.L.G.W.U. It shall be binding upon each member, officer, executive board member, business agent, organizer, employee, representative and agent of the I.L.G.W.U. and of each of its subordinate organizations. Such subordinate organizations and such person shall not have the right or authority to waive any provision of this constitution and any such waiver shall not be binding upon the I.L.G.W.U. or such subordinate organizations.

Section 3. Separability

(a) The G.E.B. shall have authority to revise any provision of this constitution which may be in conflict with applicable law.

(b) If any provision of this constitution, or the application of such provision to any officer, member, person or circumstances, shall be held invalid, the remainder of this constitution or the application of such provision to other officers, members, persons or circumstances, shall not be affected thereby.

Section 4. Amendment or repeal

(a) Any provision of this constitution may be amended or repealed by a majority vote of the delegates, a quorum being present, at any triennial convention of the I.L.G.W.U. or a special convention called for that purpose.

(b) However, Article 25 and Section 4 of Article 26 may be amended or repealed only by a vote of two-thirds of such delegates, a quorum being present.

(c) Any such amendment or repeal shall be effective on the first day of the July immediately following the convention, unless another effective date is specified by such convention.

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DECISION OF APPEAL COMMITTEE
of
GENERAL EXECUTIVE BOARD, ILGWU
(rendered July 22, 1975)
on

Appeal of:
OVIDIO VEGA, Ledger #17937
RAYMOND CABEL, " #25777
TOMAS ROSARIO, " #26288
All of Local 10

STATEMENT

This appeal came before this Committee after the rehearing directed by this Committee on April 28, 1975.

The appeal is from a decision of the Local 10 Executive Board, sitting as the Local's Grievance Committee, rendered on May 21, 1975, and communicated to the accused by letters dated June 4, 1975. By unanimous vote, the Executive Board suspended each of the three-named from participation in all union activities for a period of one year effective June 4, 1975, with the explicit reservation that this did not prevent any one of them from taking up such business as a member might properly have in the office of Local 10, so long as he did not interfere with the operation or activities of the local office.

The decision was rendered on charges filed by Abe Dolgen, Ledger #12352, which asserted violations of sub-division (e), (f), (c), (i) and (l) of Section 1, Article 20 of the ILGWU Constitution, "in that on January 29, 1975, each in conjunction with each other, jointly took possession of the office of the Manager of Local 10, obstructed and interfered with the conduct of the usual business of Local 10, interfered with the functioning of the business agents and officers of Local 10, and refused to leave said office when ordered to do so by officers of Local 10.

"And further, in that Raymond Cabel subsequently left the office of the Manager, proceeded on to the waiting room in the premises of Local 10, and sought to provoke physical action against the elected administration of Local 10, by members of Local 10 who were in such waiting room." As a result of their refusal to leave Manager Dolgen's office, after about an hour, policemen were sommoned, and Rosario and Vega were removed.

At the hearing before the Local 10 Executive Board, the appellants appeared with representatives named David Spitzer and John Kurtz, but refused to plead to the charges or to present any testimony, and submitted only a signed statement to the Executive Board, which is part of the record in this appeal. Their representatives did question briefly some of the witnesses who testified in support of the charges.

Their appeal letter of June 23, 1975, to this Committee contended that the trial in Local 10 was conducted unfairly. After receiving notification of the July 22 hearing date, they wrote on July 14, 1975, that they had to work overtime and could not appear. They stated that they desired the appeal to be decided on the basis of the record and their letters of June 23 and July 14. The July 14 letter challenged in more detail the fairness of the Local 10 hearing. By letter dated July 15, sent on behalf of this Committee, they were advised that they could have a postponement if they desired to appear in person. By phone on July 18, all three rejected a postponement and insisted they "stood on their letter of July 14."

At the hearing on July 22, there appeared the Chairman of the Local 10 Executive Board who presided at the May 21 hearing (Harry Rosenberg), the Acting Secretary, a member of the Executive Board who prepared the minutes of the May 21 hearing (Milton Strickler), and witnesses at that hearing (Bernard Zionsky, William Weiss, Edward Pastel, Nat Roth and Stanley Scheller), as well as the complainant, Abe Dolgen. Witness Nat Klein did not appear because he was hospitalized, and witness Marvin Glick because he was away on vacation.

The Minutes of the Local 10 Executive Board (Grievance Committee) hearing on May 21, as transmitted to the Appeal Committee from Local 10 were listed as Exhibit 1. They were examined by both Rosenberg and Strickler. The latter testified that he had prepared those Minutes from notes made by him during the May 21 hearing, and that the Minutes accurately and fairly portrayed what happened at that hearing, with reasonable completeness. Rosenberg agreed that the Minutes were accurate. Both witnesses testified that no persons but members of the Executive Board were present on May 21 after testimony had been completed and when the Board was reviewing the evidence and making its decision. The complainant is not a member of the Executive Board.

Thereupon, the May 21 Minutes were read with respect to the testimony reported therein of each witness present on July 22, and each witness, after his testimony had been read aloud, confirmed to the Appeal Committee that he had testified as reported in the Minutes. The witness Nat Roth stated, when he verified his testimony, that he was presently unemployed.

DECISION

We find no merit in the specific complaints made by the appellants against the procedures followed:

1) They presented no evidence to support their charge that the Trial Body was biased and had prejudged the case. No such conclusion can be drawn merely from the fact that the same body heard both cases. Under our Constitution, if a local does not elect a Grievance Committee to hear and decide cases of disciplinary proceeding (and Local 10 customarily did not), the Executive Board is authorized to serve also as the Grievance Committee.

JA492

The Local 10 Executive Board was elected by the membership of Local 10, and is the governing body of the Local. As such, its obligation is to represent all members, and there must be clear and convincing proof if it is charged that such obligation was not met. None has been supplied.

2) Appellants presented no more than a bare, unsubstantiated statement that the complainant, Abe Dolgen, controlled, manipulated and instructed the Executive Board in the hearing and decision.

3) The evidence before us demonstrates affirmatively that the record of the proceedings below (Ex.1) was accurate. Appellants offered no evidence to the contrary.

4) Appellants' contention that they were denied access to the record and therefore unable properly to prepare their appeal, is without merit. What is involved is not access to the record, but appellants' demand for a copy of the Minutes of the May 21 hearing. The procedure under the ILGWU Constitution, adopted by the membership of the Union at convention, and re-adopted by convention after convention (the last of which was in 1974), is that minutes of a disciplinary proceeding are prepared by the secretary of the trial body, who is a member of the Union, and are filed in the office of the Union. If an appeal is taken, a copy of the minutes is forwarded to the appellate body. Copies of such minutes are not provided to either the charging party or the person charged. From their appearance before the G.E.B. Appeal Committee at the first appeal in connection with these same charges, appellants were aware that at the appeal hearing, the minutes and any other pertinent material in the record would be read in their presence, and the opportunity afforded them to point out any errors or omissions. Also, they were advised in the letter notifying them of the appeal hearing date, that they could present any evidence they wished in support of their appeal, subject only to the requirement that it be relevant. For their own reasons, they chose a procedure which prevented this process from coming into play.

5) The Local 10 Executive Board properly refused to allow the appellants to make an electronic recording of the hearing. Under our Constitution, there is only one official record of a disciplinary proceeding, prepared by the secretary of a trial or appeal body. The wisdom of this rule has been corroborated by the evidence in recent public history of the manner in which "tapes" can be manipulated.

6) The appellants' bare statement denying the charges stands refuted by the overwhelming weight of the evidence of their guilt. For whatever reasons, they chose a procedure whereby they denied the charging party and the trial body an opportunity to subject their denials to examination. They therefore cannot complain when the testimony of seven witnesses affirming their guilt is accepted over their unsubstantiated denial.

The decision of the Local 10 Executive Board is sustained, and the appeal is rejected.

EXHIBIT "B"

CABLE ADDRESS: ILGWU-NEW YORK • PHONE: COLUMBUS 5-7000

INTERNATIONAL LADIES' GARMENT WORKERS' UNION

AFL-CIO

1710 BROADWAY • NEW YORK, N.Y. 10019

LOUIS STULBERG
PRESIDENT

SOL C. CHAIKIN
GENERAL SECRETARY-TREAS.

WILBUR DANIELS
EXECUTIVE VICE-PRESIDENT

E. HOWARD MOLISANI
FIRST VICE-PRESIDENT

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DAVID DUBINSKY
HONORARY PRESIDENT

•

GENERAL EXECUTIVE BOARD
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JULIUS RAMIREZ
WILLIAM ROSS
EDWARD SCHNEIDER
MATTHEW SCHOENWALD
FREDERICK SIEMS
CORNELIUS WALL

July 28, 1975

Mr. Tomas Rosario, 1295 Spofford Ave., Apt. 18A, Bronx, NY
Mr. Ovidio Vega, 373 E. 188th St., Bronx, NY 10058
Mr. Raymond Cabel, 2190 Brigham St., Brooklyn, NY 11229
Secretary, Executive Board, Local 10, ILGWU,
218 West 40th St., New York, NY 10018

Dear Sir and Brother:

Enclosed please find Decision of the Appeal Committee of the General Executive Board in connection with the appeal taken by TOMAS ROSARIO, OVIDIO VEGA AND RAYMOND CABEL.

Fraternally yours,

JAMES LIPSIG
Assistant Executive Secretary

jl/hw

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EXHIBIT "C"

ILGWU

JA494

SOL C. CHAIKIN
PRESIDENT
GENERAL SECRETARY-TREASURER

WILBUR DANIELS
EXECUTIVE VICE-PRESIDENT

E. HOWARD MOUSANI
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Decision of General Executive Board, ILGWU, on Charges by Abe Dolgen against Tomas Rosario, Ovidio Vega and Raymond Cabel

Although the three accused members of Local 10 have failed to utilize their right under the ILGWU Constitution to appeal to the full General Executive Board of the ILGWU (GEB), from the attached decision of its Appeal Committee, the GEB, on its own motion, has reviewed that decision, pursuant to its authority under Article 23, Section 5, subd.(d), of said Constitution.

It is the decision of the GEB that because of the special circumstances surrounding the case, and the fact that the charges have already been heard twice by the Executive Board of Local 10, the charges shall be reheard de novo by a Trial Committee of Local 10, under the following conditions:

1) The Trial Committee shall be composed of rank-and-file members of Local 10 and shall consist of five (5) members and two (2) alternates selected by the membership of Local 10 at the next general membership meeting of the Local. Persons serving on the Trial Committee shall not have previously been involved in hearing the charges or in making the charges or in defending against them.

2) The Trial Committee shall select one of its members as Chairman. It shall also select a Secretary from among its members who shall prepare the official minutes of the hearing which shall be filed in the offices of Local 10. The official minutes or true copies thereof shall be made available for inspection in the offices of Local 10 by either the charging party or the accused upon their written request therefor. True copies of the minutes shall be furnished if so requested in writing.

3) Should the Trial Committee find the accused or any of them guilty, any penalty which might be imposed shall not include disqualification as a candidate for Union office.

JA495

DECISION OF APPEAL COMMITTEE
of
GENERAL EXECUTIVE BOARD, ILGWU
(rendered July 22, 1975)
on

Appeal of:
OVIDIO VEGA, Ledger #17937
RAYMOND CABEL, " #25777
TOMAS ROSARIO, " #26288
All of Local 10

STATEMENT

This appeal came before this Committee after the rehearing directed by this Committee on April 28, 1975.

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The decision was rendered on charges filed by Abe Dolgen, Ledger #12352, which asserted violations of sub-division (e), (f), (c), (i) and (l) of Section 1, Article 20 of the ILGWU Constitution, "in that on January 29, 1975, each in conjunction with each other, jointly took possession of the office of the Manager of Local 10, obstructed and interfered with the conduct of the usual business of Local 10, interfered with the functioning of the business agents and officers of Local 10, and refused to leave said office when ordered to do so by officers of Local 10.

"And further, in that Raymond Cabel subsequently left the office of the Manager, proceeded on to the waiting room in the premises of Local 10, and sought to provoke physical action against the elected administration of Local 10, by members of Local 10 who were in such waiting room." As a result of their refusal to leave Manager Dolgen's office, after about an hour, policemen were sommoned, and Rosario and Vega were removed.

At the hearing before the Local 10 Executive Board, the appellants appeared with representatives named David Spitzer and John Kurtz, but refused to plead to the charges or to present any testimony, and submitted only a signed statement to the Executive Board, which is part of the record in this appeal. Their representatives did question briefly some of the witnesses who testified in support of the charges.

EXHIBIT "D"

Their appeal letter of June 23, 1975, to this Committee contended that the trial in Local 10 was conducted unfairly. After receiving notification of the July 22 hearing date, they wrote on July 14, 1975, that they had to work overtime and could not appear. They stated that they desired the appeal to be decided on the basis of the record and their letters of June 23 and July 14. The July 14 letter challenged in more detail the fairness of the Local 10 hearing. By letter dated July 15, sent on behalf of this Committee, they were advised that they could have a postponement if they desired to appear in person. By phone on July 18, all three rejected a postponement and insisted they "stood on their letter of July 14."

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DECISION

We find no merit in the specific complaints made by the appellants against the procedures followed:

1) They presented no evidence to support their charge that the Trial Body was biased and had prejudged the case. No such conclusion can be drawn merely from the fact that the same body heard both cases. Under our Constitution, if a local does not elect a Grievance Committee to hear and decide cases of disciplinary proceeding (and Local 10 customarily did not), the Executive Board is authorized to serve also as the Grievance Committee.

The Local 10 Executive Board was elected by the membership of Local 10, and is the governing body of the Local. As such, its obligation is to represent all members, and there must be clear and convincing proof if it is charged that such obligation was not met. None has been supplied.

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5) The Local 10 Executive Board properly refused to allow the appellants to make an electronic recording of the hearing. Under our Constitution, there is only one official record of a disciplinary proceeding, prepared by the secretary of a trial or appeal body. The wisdom of this rule has been corroborated by the evidence in recent public history of the manner in which "tapes" can be manipulated.

6) The appellants' bare statement denying the charges stands refuted by the overwhelming weight of the evidence of their guilt. For whatever reasons, they chose a procedure whereby they denied the charging party and the trial body an opportunity to subject their denials to examination. They therefore cannot complain when the testimony of seven witnesses affirming their guilt is accepted over their unsubstantiated denial.

The decision of the Local 10 Executive Board is sustained, and the appeal is rejected.

JA498

ILGWU

SOL C. CHAIKIN
PRESIDENT
GENERAL SECRETARY-TREASURER

WILBUR DANIELS
EXECUTIVE VICE-PRESIDENT

E. HOWARD MOLISANI
FIRST VICE PRESIDENT

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JULIUS RAMIREZ
WILLIAM ROSS
EDWARD SCHNEIDER
MATTHEW SCHOENWALD
FREDERICK SIEMS
CORNELIUS WALL

October 15, 1975

TO: Ovidio Vega, 373 E. 188th St., Bronx, N.Y. 10058
Raymond Cabel, 2190 Brigham St., Bklyn, N.Y. 11229
Tomas Rosario, 1295 Spofford Ave., Bronx, N.Y. 10474, (Apt. 18)
Abe Dolgen, Local 10, ILGWU, 218 W. 40th St., New York, N.Y. 10018
Nat Klein, Secy., Executive Board, Local 10, ILGWU, 218 W. 40th St., New York, N.Y. 100

Dear Sir and Brother:

Enclosed please find Decision of the General Executive Board I.L.G.W.U., rendered October 8, 1975, in the matter of the charges preferred by Abe Dolgen against Ovidio Vega, Raymond Cabel and Tomas Rosario.

Fraternally yours,

JAMES LIPSIG
Assistant Executive Secretary

jl/hw

EXHIBIT "E"

Tomas Rosario
1291 Spofford Ave., Apt. 6-B
Bronx, N.Y., 10474

December 22, 1975.

Mr. James Lipsig
Assistant Executive Secretary
International Ladies' Garment Workers' Union
1710 Broadway
New York, N.Y., 10019

Dear Sir and Brother:

In the matter of the charges preferred by Manager Abe Dolgen on February 10, 1975 and May 8, 1975 against Ovidio Vega, Raymond Cabel and Tomas Rosario, the undersigned request photostatic copies of the minutes taken by you at the GEB Appeal Committee's hearings held on Tuesday, April 8, 1975 and on Tuesday, July 22, 1975 in the Council Room at the General Office, 1710 Broadway.

These minutes are necessary for the undersigned to have a fair opportunity to prepare and present a defense at the next trial which will be held in three weeks, according to decision of adjournment by the chairman, brother David Mittleman, at the trial held on December 18, 1975.

Please, reply to us immediately, by mail to Tomas Rosario, at the address given at the head of this letter.

Fraternally,

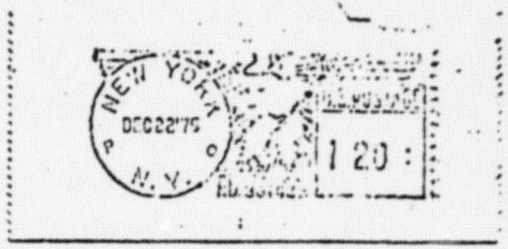
Tomas Rosario
Ledger # 26288

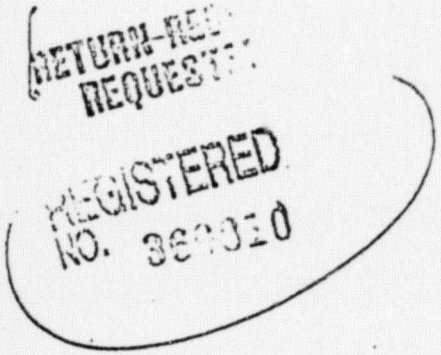
Raymond Cabel
Ledger #25777

Ovidio Vega
Ledger #17937

EXHIBIT "F"

From
Mr. Tomas Rosario
1291 Spofford Ave., Apt. 6-B.
Bronx, N.Y., 10474





Mr. James Lipsig
Assistant Executive Secretary
International Ladies' Garment Workers' Union
1710 Broadway
New York, N.Y., 10019

EXHIBIT "F"

JA500

EXHIBIT "F"

ILGWU

JA502

SOL C. CHAIKIN
PRESIDENT
GENERAL SECRETARY-TREASURER

WILBUR DANIELS
EXECUTIVE VICE-PRESIDENT

E. HOWARD MOLISANI
FIRST VICE PRESIDENT

DAVID DUBINSKY
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SALVATORE NOTO
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WILLIAM ROSS
EDWARD SCHNEIDER
MATTHEW SCHOENWALD
FREDERICK SIEMS
CORNELIUS WALL

December 24, 1975

Mr. Tomas Rosario
1291 Spofford Ave., Apt. 6-B
Bronx, New York 10474

Dear Brother Rosario:

I have received a letter addressed to me dated December 22, 1975, apparently signed by you and Brothers Raymond Cabel and Ovidio Vega, which requests an answer by mail to you. The letter asks for copies of the minutes of the GEB Appeal Committee hearings of April 8, 1975 and July 22, 1975, on charges by Member Abe Dolgen against Members Tomas Rosario, Ovidio Vega and Raymond Cabel, as necessary for "a fair opportunity to prepare and present a defense at the next trial . . . ." of the Local 10 Trial Committee which is now scheduled to hear the charges.

The copies of the minutes which you seek are of hearings resulting in decisions of the GEB Appeal Committee which, like the hearings and decisions of the Local 10 Grievance Committees which preceded them, were reversed and nullified by the General Executive Board in its decision rendered October 8, 1975. In order to insure a fair hearing under the special circumstances surrounding this case, the October 8, 1975 decision of the GEB ordered a hearing de novo by a Trial Committee of rank and file members of Local 10 selected by the Local's membership and composed of persons who had not previously been involved with the charges.

In the interest of a fair, impartial, and genuinely de novo hearing on the charges, the Trial Committee hearing ordered by the GEB, which you are apparently now preparing to attend, should be entirely separated from the hearings and decisions which preceded it; the Trial Committee should in no way be influenced or give the appearance of being influenced by the earlier hearings. Accordingly, your request for access to the minutes of the earlier hearings of

EXHIBIT "G"

Mr. Tomas Rosario
Bronx, New York 10474

December 24, 1973

the GEB Appeal Committee is hereby denied.

Fraternally,

James Lipsig
Assistant Executive Secretary

JL:af

cc: Local 10, ILGWU
Abe Dolgen

EXHIBIT "G"

ILGWU

SOL C. CHAIKIN
PRESIDENT
GENERAL SECRETARY-TREASURER

WILBUR DANIELS
EXECUTIVE VICE-PRESIDENT

E. HOWARD MOUSANI
FIRST VICE PRESIDENT

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EDWARD KRAMER
DOUGLAS LEVIN
HENOCH MENDELSUND
SALVATORE NOTO
JULIUS RAMIREZ
WILLIAM ROSS
EDWARD SCHNEIDER
MATTHEW SCHOENWALD
FREDERICK SIEMS
CORNELIUS WALL

March 17, 1976

Mr. Tomas Rosario, 1291 Spofford Avenue, Apt. 6B, Bronx, NY
Mr. Ovidio Vega, 373 E. 188th St., Bronx, NY 10058
Mr. Raymond Cabel, 2190 Brigham Street, Brooklyn, NY 11229

Dear Sir and Brother:

Please be advised that the Appeal Committee of the General Executive Board will hold a hearing on your appeal from the decision of the Trial Committee of Local 10, which found you guilty on charges, which decision was indicated to you by letter dated February 4, 1976. The hearing will be held on Thursday, April 8, 1976, at 4:30 P.M., in the Council Room at the General Office, 1710 Broadway. Please be present at that time, prepared to support your appeal.

You may present your appeal in person, or through a representative, who must be a member in good standing of the ILGWU, but not a general officer. You are at liberty to present whatever evidence, documentation or witnesses you desire to present in support of your appeal, to demonstrate that the decision appealed from is erroneous-- subject, of course, to the decision of the Appeal Committee as to the relevance of any such evidence or testimony. If, for any reason, you cannot, or will not, be present in person, please be good enough to advise me immediately. In that event, you have the right to submit a written statement presenting the ground for your appeal. But such additional statement must be at my office on no later than noon of April 6, 1976. If no such statement is received, then the appeal will be heard on the basis of the previous proceedings.

Fraternally yours,

JAMES LIPSIG
Assistant Executive Secretary

jl/hw

JA505

ILGWU

SOL C. CHAIKIN
PRESIDENT
GENERAL SECRETARY-TREASURER

WILBUR DANIELS
EXECUTIVE VICE-PRESIDENT

E. HOWARD MOLISANI
FIRST VICE PRESIDENT

DAVID DUBINSKY
LOUIS STULBERG
HONORARY PRESIDENTS

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HENOCH MENDELSUND
SALVATORE NOTO
JULIUS RAMIREZ
WILLIAM ROSS
EDWARD SCHNEIDER
MATTHEW SCHOENWALD
FREDERICK SIEMS
CORNELIUS WALL

May 6, 1976

Mr. Tomas Rosario, 1291 Spofford Ave., Apt. 6B, Bronx, NY
Mr. Ovidio Vega, 373 E. 188th St., Bronx, NY 10058
Mr. Raymond Cabel, 2190 Brigham St., Brooklyn, NY 11229

Dear Sir and Brother:

The meeting of the Appeal Committee of the General Executive Board, scheduled for April 8, 1976, on the appeal of you and your co-appellants, was adjourned because of your refusal to comply with the ruling of the Committee as to the manner in which the scheduled hearing would be conducted. You and your fellow-appellants were requested by the Chairman of the Committee to advise the Committee if you changed your mind, and were willing to abide by the rules established by the Committee.

To this date, the Committee has received no word from either you or your co-appellants. Please be good enough to advise me, for the Committee, if you are prepared to resume the hearing on your appeal, in compliance with the ruling of the Committee made known to you on April 8.

Fraternally yours,

JAMES LIPSIG
Assistant Executive Secretary

jl/hw

EXHIBIT "T"

Tomas Rosario
1291 Spofford Ave., Apt. 6B
Bronx, N.Y., 10474

May 11, 1976

Mr. James Lipsig, Ass't Executive Secretary
Int'l Ladies' Garment Workers' Union
1710 Broadway
New York, N.Y., 10019

Dear Sir and Brother:

I have your letter of May 6, 1976, addressed to myself, brother Vega, and brother Cabel. I am replying for myself and the two other brothers.

In your letter you write of a "refusal" on our part to comply with some unspecified "ruling" of the Appeal Committee, and ask whether we are prepared to resume the hearing on appeal. Apparently you are confused as to the facts.

The only "ruling" made by the Appeal Committee, at its April 8, 1976 hearing, was its arbitrary decision to adjourn the hearing sine die. We did not consent to that ruling; we protested it. But we did not refuse to comply with it. Instead, we willingly complied by leaving the room.

We know of no rule or regulation or procedure with which we have failed to comply. Most certainly, we have not "refused" to comply with any such. In our appeal letter of February 7, 1976, to which we draw your attention, we asked that if any procedural error had been committed by us we be immediately so advised in writing; we received no notice of any such error. If you know of any rule, regulation, or provision of the ILGWU constitution with which we have not complied in connection with this appeal, please refer us to the section of the ILGWU constitution, or other document, setting forth such rule, regulation, etc.

We note that the General Executive Board has authority, pursuant to Article 3, Section 4, of the ILGWU constitution, to adopt rules for the conduct of its business. If the GEB has made any rule relevant to appeal hearings before its Appeal Committee, please refer us to the rule, and to the records of the GEB meeting at which such rule was adopted.

We again protest the arbitrary adjournment of the appeal hearing and the equally-arbitrary failure of the Appeal Committee to resume the appeal hearing. As we stated in our appeal letter, and again at the appeal hearing, we seek in good faith to exercise all appellate and hearing procedures available to us. You ask whether we are prepared to resume the hearing; our answer is that of course we are, as we advised the Appeal Committee last April 8.

I hope that this will clear up your apparent confusion.

Fraternally yours,

Tomas Rosario

EXHIBIT "J"

JA507

ILGWU

SOL C CHAIKIN
PRESIDENT
GENERAL SECRETARY-TREASURER

WILBUR DANIELS
EXECUTIVE VICE-PRESIDENT

E. HOWARD MOLISANI
FIRST VICE PRESIDENT

DAVID DUBINSKY
LOUIS STULBERG
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SOL HOFFMAN
MATTIE JACKSON
SAM JANIS
EDWARD KRAMER
DOUGLAS LEVIN
HENOCH MENDELSUND
EDWARD MILANO
JULIUS RAMIREZ
WILLIAM ROSS
EDWARD SCHNEIDER
MATTHEW SCHOENWALD
FREDERICK SIEMS
CORNELIUS WALL

May 28, 1976

Mr. Tomas Rosario, 1291 Spofford Ave., Apt. 6B, Bronx, NY
Mr. Ovidio Vega, 373 E. 188th St., Bronx, NY 10058
Mr. Raymond Cabel, 2190 Brigham St., Brooklyn, NY 11229

Dear Sirs and Brothers:

I received a letter from Brother Tomas Rosario, written on his own behalf and on behalf of Brothers Ovidio Vega and Raymond Cabel, responding to my letter of May 6, 1976. This letter answers Brother Rosario's May 11, 1976 letter.

The ruling of the Appeal Committee of the GEB to which I referred in my May 6, 1976 letter is that there can be only one record of the Appeal Committee hearing, and that is the official set of minutes taken by the Secretary to the Appeal Committee. Accordingly, tape recording the hearing, as you were doing, will not be permitted. You will all recall that you refused to agree not to tape record the hearing and that there[illegible] the hearing was adjourned.

The Appeal Committee is ready to resume hearing your appeals upon being advised in writing that you will comply with its ruling not to tape record the hearing. As you were advised by the Chairman, you will receive copies of the official minutes of the hearing, and the Appeal Committee will entertain requests for changes in the minutes and make any justified changes therein.

Please be good enough to advise me, for the GEB Appeal Committee, whether you will comply with the Committee's ruling.

Fraternally yours,

JAMES LIPSIG
Assistant Executive Secretary

jl/hw

EXHIBIT "K"

Tomas Rosario
1291 Spofford Avenue, Apt. 6B
Bronx, N.Y., 10474
June 5, 1976

Mr. James Lipsig,
Assistant Executive Secretary
Int'l Ladies' Garment Workers' Union
1710 Broadway
New York, N.Y., 10019

Dear Sir and Brother:

I have your letter of May 28, 1976, addressed to myself, and to brothers Vega and Cabel, in which you respond, however belatedly, to my letter of May 11, 1976. Apparently your letter ~~crossed~~ in the mail with my subsequent letter of June 1, 1976; at any rate I received yours after my June 1 letter had been posted.

Your letter purports to describe a "ruling" of the Appeal Committee to the effect that "there can be only one record of /an/ Appeal Committee hearing...."

Your letter does not advise us to where the Appeal Committee derives authority to make such a "ruling." However, if it may be assumed that the Appeal Committee's "ruling" relates to its own view as to what record shall constitute the official record of an appeal hearing, I have no objection to it. On the other hand, I do object most strenuously -- as do brothers Vega and Cabel -- to the suggestion in your letter that participants to an appeal proceeding are barred from making such notes, recordings or transcripts, for their own use, as they may deem desirable or necessary. Surely such an authoritarian "ruling" must, in order to have any weight at all, have some basis in the ILGWU's own constitution -- and I know of none.

I am writing on behalf of brothers Vega and Cabel as well as myself. As we have previously stated, we seek to exercise and, if necessary, exhaust, in good faith, all hearing and appellate procedures available to us within the labor organization. We protested, and have repeatedly protested, the Appeal Committee's arbitrary adjournment, sine die, of the appeal hearing. We are ready to continue with the appeal hearing as soon as, and whenever, the Appeal Committee is.

On my behalf, and on behalf of brothers Vega and Cabel, I request an immediate reply as to whether, and when, the Appeal Committee is ready to continue with the appeal hearing.

Fraternally yours,

Tomas Rosario

EXHIBIT "L"

ILGWU

SOL C. CHAIKIN
PRESIDENT
SECRETARY-TREASURER

WILBUR DANIELS
EXECUTIVE VICE-PRESIDENT

HOWARD MOLISANI
FIRST VICE PRESIDENT

DAVID DUBINSKY
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SALVATORE NOTO
JULIUS RAMIREZ
WILLIAM ROSS
EDWARD SCHNEIDER
MATTHEW SCHOENWALD
FREDERICK SIEMS
CORNELIUS WALL

June 11, 1976

Mr. Tomas Rosario, 1291 Spofford Ave., Apt. 6B, Bronx, NY
Mr. Ovidio Vega, 373 E. 188th St., Bronx, NY 10058
Mr. Raymond Cabel, 2190 Brigham St., Brooklyn, NY 11229

Dear Sirs and Brothers:

This is in response to Brother Tomas Rosario's letter of June 5, 1976, written on his own behalf and on behalf of Brothers Ovidio Vega and Raymond Cabel.

Nothing in my letter of May 28, 1976, suggested that any participant in an appeal proceeding is barred from making such handwritten notes as he or she chooses.

I repeat what was said to you in my May 28, 1976, letter:

> "The Appeal Committee is ready to resume hearing your appeals upon being advised in writing that you will comply with its ruling not to tape record the hearing. As you were advised by the Chairman, you will receive copies of the official minutes of the hearing, and the Appeal Committee will entertain requests for changes in the minutes and make any justified changes therein.
>
> "Please be good enough to advise me, for the GEB Appeal Committee, whether you will comply with the Committee's ruling."

Fraternally yours,

JAMES LIPSIG
Assistant Executive Secretary

jl/hw

EXHIBIT "M"

Exhibit 20

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- -x

TOMAS ROSARIO, OVIDIO VEGA AND RAY CABEL,

Plaintiffs,

-against-

AMALGAMATED LADIES' GARMENT CUTTERS' UNION, LOCAL 10 of I.L.G.W.U. and INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO,

Defendants.

76 Civ. 3204 (CBM)

AFFIDAVIT OF JAMES LIPSIG

- -x

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

JAMES LIPSIG, being duly sworn, deposes and says:

1. I make this Affidavit in reply to Plaintiffs' Statements under General Rule 9 (letter "g"), dated August 23, 1976, concerning statements made by defendant "INTERNATIONAL LADIES' GARMENT WORKERS' UNION", under date of August 17, 1976 (hereinafter referred to as "ILGWU Statement"), and in support of defendant's motion for summary judgment and in opposition to plaintiffs' motion for a preliminary injunction.

2. My knowledge of the Constitutional provisions governing disciplinary proceedings within the ILGWU, of the procedures called for in general, and of the procedures and the facts in this specific case and any other cases involving the plaintiffs' herein, are indicated in my Affidavit verified August 5, 1976, and incorporated herein by reference.

3. In Sections I and II of Plaintiffs' Statement, efforts are made to show that a state of dispute exists with respect to 15 assertions made in ILGWU Statement. Reference to the records and to the facts demonstrate irrefutably that no dispute exists in reality in connection with any of these

4. At the outset, it is respectfully submitted that the Court should reject out of hand Plaintiffs' Statement (in Section I(4)(a)) that a dispute exists concerning ILGWU's interpretation of documents listed as #11, #12, #13, #14 and #15 in ILGWU Statement. The sections attacked offer no interpretation whatsoever. They simply paraphrase, accurately although more briefly, the documents listed as Exhibit I through M attached to deponent's Affidavit of August 5, 1976. Mere reference to these Exhibits should compel the ruling that no dispute of any kind exists with respect to these documents.

5. Nine of the remaining ten efforts of Plaintiffs' Statement,to create a sense of dispute, are shown to be utterly baseless, by mere reference to the minutes of the hearing on April 8, 1976, before the Appeal Committee of the General Executive Board of the ILGWU. (See Section 10 of ILGWU Statement, at page 4).

6. The minutes of the April 8, 1976, Appeal Committee hearing are submitted by deponent as Exhibit 1, and are attached to and fully incorporated herein. They were prepared by deponents from notes made contemporaneously by him of events at that hearing. Deponent asserts that Exhibit 1, although not a verbatim account, includes every issue of any substantive content which arose, and is reasonably complete and accurate in its portrayal of the entire proceeding.

7. Plaintiffs' Statement (in Section I(3)) seeks to dispute four sentences in ILGWU's Statement in Section 10 on page 4. With respect to the first of these (sentence 5), Plaintiffs' Statement claims a dispute over the assertion in ILGWU Statement that "Plaintiffs refused to remove the tape recorders." This contention of dispute is also repeated in Plaintiffs' Statement, Section II, sub-division XVI. Plaintiffs' Statement also contends there is a dispute whether the Appeal

Committee made any rulings with respect to the use of tape recorders (Section II, sub-division XIV). But plaintiffs themselves have admitted the accuracy of these challenged sentences and have themselves shown that there is no dispute by their failure to challenge sentence 8 in the same Section 10 of ILGWU Statement. This sentence 8, unchallenged, states: "Plaintiffs again refused to turn off the tape recorders."

Independently of these references, however, that no dispute exists with respect to sentence 5, is shown by reference to Exhibit 1 attached hereto (see page 4, third full paragraph last sentence; page 5, third full paragraph, last sentence; page 5, paragraph 4, first two sentences; page 6, third full paragraph).

8. Next, Plaintiffs' Statement contends that a dispute exists with respect to sentence 6 in the ILGWU Statement, which sentence points out that plaintiffs contended that precedent existed for the use of a public stenographer, etc. There can be no dispute because Exhibit 1 (on page 5, in the last paragraph) shows that the plaintiffs' representative, John Kurtz, made precisely the statement now challenged. In addition, the chairman of the Appeal Committee hearing ruled at that point that plaintiffs had at no time made a request for a public stenographer (Exhibit 1, page 5, last two sentences).

9. Plaintiffs' next attack is on sentence 7 of Section 10 of the ILGWU Statement. Here too, Exhibit 1 (at page 5, next to the last and last sentences) shows that sentence 7 is precisely accurate, and therefore can create no real sense of dispute.

10. Finally, despite their attack on sentence 9 of Section 10 of ILGWU Statement, plaintiffs failed to show any evidence of any dispute, for Exhibit 1 (page 6, second full paragraph) was faithfully reported in the ILGWU Statement.

11. Since plaintiffs' efforts to block defendant's motion for summary judgment must needs show some areas of dispute, and since the main thrust of plaintiffs' cause of action is against the decision which culminated in the Appeal Committee hearing of April 8, 1976, it is worthy of note that plaintiffs' failure to challenge other portions of the ILGWU Statement have left the following as the undisputed factual situation, one adequate for ruling by this Court on defendant's motion for summary judgment: "On April 8, 1976, plaintiffs appeared before the Appeal Committee together with their representatives. They set up two tape recorders which they put into operation. The Chairman of the Appeal Committee advised them to shut off the tape recorders. He also advised them that the minutes of the hearing of the appeal would be filed with the ILGWU General Office by the Secretary of the Appeal Committee and that copies would be given to any party upon request and would be available to all parties for inspection and corrections. . . . . Plaintiffs again refused to turn off the tape recorders. . . . . Plaintiffs refused, for the third time, to comply with the ruling and the appeal hearing was adjourned after plaintiffs were requested to let the Committee secretary know if they changed their minds and were ready to proceed with the appeal based upon the ruling of the Appeal Committee." (ILGWU Statement, Section 10)

12. The next area of plaintiffs' efforts to block defendant's motion for summary judgment arises in Section II of Plaintiffs' Statement, which seeks to create a sense of dispute. In Contention I there, plaintiffs claim a dispute as to "whether the 'official' minutes of prior union hearings have been honestly or accurately taken." Obviously, they cannot be attacking all the proceedings in the many other disciplinary proceedings cases which have occurred over the years. It must be assumed that this

reference is to the minut. involved in these proceedings only. Deponent has certified to the accuracy of the Appeal Committee minutes of April 8, 1976 (Exhibit 1), which dealt with the plaintiffs' third appeal, and which are central to these proceedings. As to the minutes of prior proceedings in Local 10, plaintiffs are aware,because they participated, that in hearings before the Appeal Committee of the GEB, the customary procedure is that minutes of hearings in lower bodies are read, the Secretary and Chairman of the Trial or Grievance Committee are asked to certify to the accuracy of the records, and then both parties to the disciplinary proceedings are asked to point out any errors in the minutes, or corrections which should be made. This standard procedure was followed in this case.

At the hearing on the first appeal by these plaintiffs (on April 8, 1975), neither the plaintiffs nor their representatives indicated any error in the minutes, although requested and invited by the Chairman of the Appeal Commit - hearing to do so. Their lay counsel (Kurtz) contended only that the order of testimony of two witnesses was reversed. But the actual minutes showed merely that the two witnesses testified, but not in any indicated order. He also claimed that one witness had made a statement not shown in the minutes, but that witness, when called to testify before the Appeal Committee, denied that he had made the alleged statement, and testified that the minutes accurately reflected his testimony.

At the second appeal by these plaintiffs, they chose to rest their appeal on the written documents, and the Appeal Committee, at its session on July 22, 1975, therefore examined the minutes below, had them certified as accurate and complete by the Chairman and Secretary of the Trial Committee, and found that they were not degraded by any charges in the voluminous appeal letters by the appellants, the plaintiffs here.

At the third appeal hearing (April 8, 1976) plaintiffs were asked to point out any errors in the prior minutes, but their lay representative (Kurtz) was unable to indicate anything more than the absence of some colloquy unrelated to any ruling (Exhibit 1, page 5, second and third paragraphs).

13. Plaintiffs' Statement (in sub-division II of Section II) seeks to create an issue of fact whether the General Executive Board of ILGWU had ever adopted a prohibition on tape recorders, and whether the plaintiffs knew of it. This is a wholly specious issue. If nothing else controlled, under customary rules of parliamentary procedure, a standing committee of an organization like the Appeal Committee,empowered to hear and decide grievances and appeals (Exhibit A-- Article 3, Section 9, subdivision (a), at page 11) would be authorized to make its own rules and procedure subject only to revision or modification by a superior body, in this instance the GEB. It is undisputed that the prohibition against the use of tape recorders was promulgated by the Appeal Committee on several occasions, and issued to the plaintiffs. (Hearing of April 8, 1975; Exhibit 1-- hearing of April 8, 1976).

14. But the facts are that the GEB has approved, in this and other cases, a ban on electronic recording in any disciplinary proceeding. One such case involved charges brought by Ray Cabel and David Spitzer against Enzo Baldino and Nat Klein, officers of Local 10. Cabel is a plaintiff in this present proceeding; another plaintiff in this proceeding, Tomas Rosario, appeared as a witness for Cabel in that case, and Spitzer, who is the lay counsel for the plaintiffs in this proceeding, appeared in the other proceeding as a charging plaintiff. In that case,at an Appeal Committee hearing on November 25, 1975, a ban on electronic recording of the hearing was promulgated, and that ruling was approved by the GEB at its meeting of February 25, 1976. The decision on their appeal was communicated to the plaintiffs there.

15. In the case involved in these proceedings, the Appeal Committee rejected the second appeal and adopted a decision which stated in part:

> "The Local 10 Executive Board properly refused to allow the appellants to make an electronic recording of the hearing. Under our Constitution, there is only one official record of a disciplinary proceeding prepared by the Secretary of a trial or appeal body. The wisdom of this rule has been corroborated by the events in recent public history of the manner in which 'tapes' can be manipulated."

This report was presented to the GEB at its meeting on October 8, 1975. The GEB ordered a trial de novo for other considerations, but adopted the ruling of the Appeal Committee on electronic recording when it ruled in language almost identical with that of the Appeal Committee report that (the Trial Committee) "shall also select a secretary from among its members who shall prepare the official minutes of the hearing which shall be filed in the offices of Local 10 (see ILGWU Statement, page 2, Section 7)." Therefore, it cannot be contended that a dispute exists whether the GEB has ever adopted a rule or policy forbidding the use of tape recorders in disciplinary proceedings.

16. The efforts in Plaintiffs' Statement (Section II, sub-division XVII, and Section III, sub-division 3) to create an issue of fact over the authority of bodies in disciplinary proceedings to establish rules of procedures, is specious. Such bodies are authorized by their very existence to establish rules governing their own procedure, unless and until reversed by a superior body. But this is an academic issue in any event, since it has been clearly demonstrated above that the GEB approved and authorized the rule banning tape recorders.

The only issue here is that of the tape recorders. Despite plaintiffs' efforts to confuse the issue, the fact is that they were advised by the Chairman at the August 8, 1976, Appeal Committee hearing (see Exhibit 1, third paragraph, page 5) that no one was barred from making any notes he chose. The sole issue, therefore, was that of the tape recorders, and any other charges are wholly without foundation.

17. The Plaintiffs' Statements referred to in paragraph 16 also fail utterly to undermine the GEB's authority to establish the rule it did. Even if it were assumed that the ILGWU Constitution (Article 22, Section 2-- Exhibit A at page 53) did not clearly rule out minutes tape-recorded by anyone, as deponent submits it clearly does, then the authority rests with the GEB to interpret the Constitutional provision. Its authority to adopt the ruling it did is unquestionable, since Article 35, Section 1 (Exhibit A, page 73) provides:

> "This Constitution and the rules and by-laws of subordinate organizations shall be interpreted according to their plain and obvious meaning. Should there be doubt as to the meaning of any provision, the president, between sessions of conventions, shall interpret this Constitution. The president's interpretation shall be final unless reversed by the GEB or by a convention and the GEB's interpretation shall be final unless reversed by a convention."

18. Plaintiffs' claim in Section II, sub-division 10 of their statement that minutes of prior trials would have helped them prepare their defense and prepare for cross-examination of witnesses, is specious. Since the case in question here was one wholly de novo, it is obvious that the minutes of prior proceedings were wholly irrelevant, and could be prejudicial to the parties, if revealed. This was a position taken in

refusing to release them. Of course, it may be wondered how such earlier minutes could have helped prepare for a defense anyhow, when it was not known whom the witnesses against the plaintiffs would be. But, of course, the salient reason for this ruling was indicated irreproachably in the response to their request (see Section 8, ILGWU Statement).

19. Plaintiffs' contention in Section III, sub-division 14, that they have kept themselves available to appear at any appellate hearing that the Appeal Committee might decide to hold, is completely false. This is demonstrated clearly by Exhibit 1, page 6, and Exhibits I, K and M. In fact,the conduct in which the plaintiffs have engaged is such that, were it engaged in this Court, it would subject them to proceedings for contempt of court.

20. The self-serving declaration of Plaintiffs' Statement III, sub-division 15, should be rejected out of hand. In the first place, it is their own conduct which has made it impossible to complete the course of internal remedies available to them. Were they truly interested in pursuing their internal remedies, they would have acquiesced in the ruling of the Trial Committee, and would then have taken exception to it on appeal. Furthermore, their basic contention now is that the GEB did not have the power and authority to ban electronic recordings. Consequently, they are charging the GEB of the ILGWU with improper and illegal conduct, in violation of the ILGWU Constitution. Yet, they have not preferred charges against the GEB, as authorized under Article 21, Section 12 of the ILGWU Constitution (Exhibit A, page 52).

* * * * *

JAMES LIPSIG further deposes and says:

That I wish this Affidavit to be recorded also as a response by defendant ILGWU to the Affidavits of Tomas Rosario, Ray Cabel and David Spitzer, attached to Plaintiffs Statement under Rule 9(g).

(a) With respect to the contentions in Sections 6 and 7 and 8 of the Affidavit of David Spitzer, I have submitted defendant ILGWU's answer to those in paragraph 8 of my Main Affidavit. I should point out also,in addition, that the other proceedings to which reference is made in the Spitzer Affidavit are those involved in another course of action now pending in this Court under Docket #75CIV4632 (CBM), in which the parties are the same three plaintiffs as in this action, and the defendants are Abe Dolgen, individually and as manager of Local 10, and the City of New York. The same answer applies to Section 14 in the Affidavit of Tomas Rosario.

(b) In paragraphs 13, 14 and 16, above, of my Affidavit, I have supplied defendant ILGWU's answer to the contentions in the second paragraph of the Affidavit of David Spitzer, and in the 11th and 12th paragraphs in the Affidavit of Ray Cabel, and in the 9th paragraph in the Affidavit of Tomas Rosario.

(c) The contention in the 13th paragraph of Ray Cabel's Affidavit has been completely answered in paragraphs 7 and 11, above, of my Affidavit.

(d) Rosario's contention in paragraph 10 of his Affidavit is completely refuted by paragraph 8, above, of my Affidavit.

(e) The contentions of Tomas Rosario in paragraph 14 of his Affidavit have been completely answered in paragraph 12 of my Affidavit, above.

James Lipsig

Sworn to before me this
30th day of August, 1976.

ANNADELLE FELLER
NOTARY PUBLIC, State of New York

MINUTES OF

APPEAL COMMITTEE OF

GENERAL EXECUTIVE BOARD, I.L.G.W.U.

on

Appeal of OVIDIO VEGA, RAYMOND CABEL, TOMAS ROSARIO
all of Local 10

from decision of Special Trial Committee of Local 10

April 8, 1976 — 1710 Broadway, NYC

PRESENT: David Gingold (Chairman), Sol Greene, Murray Gross, Edward Kramer, Edward Schneider, Matthew Schoenwald, Julius Ramirez; Wilbur Daniels, E. Howard Molisani (ex-officio)

ALSO
PRESENT: James Lipsig, Secretary to Committee

An executive session of the Committee was convened by Chairman Gingold at 4:35 P.M. He advised the Committee that he had a cold and would be unable to preside, and suggested that Committee Member Kramer serve as Chairman. Upon motion duly made and seconded, the Committee unanimously selected Edward Kramer as Chairman for the hearing of this case. The Committee then examined the records of all prior proceedings in this matter. These indicated the following state of facts:

> This appeal comes before this Committee after the hearing de novo directed by the General Executive Board on October 8, 1975.
>
> The appeal is from a decision dated January 29, 1976, rendered by a Trial Committee elected by the membership of Local 10 at its membership meeting on November 24, 1975. The decision was communicated to the accused by letters dated February 4, 1976.
>
> The decision was rendered on charges filed by Abe Dolgen, Ledger #12352, which asserted violations of subdivision (e), (f), (c), (i) and (l) of Section 1, Article 20 of the ILGWU Constitution, "in that on January 29, 1975, each in conjunction with each other, jointly took possession of the office of the Manager of Local 10, obstructed and interfered with the conduct of the usual business of Local 10, interfered with the functioning of the business agents and officers of Local 10, and refused to leave said office when ordered to do so by officers of Local 10." As a result of their refusal to leave Manager Dolgen's office after about an hour, policemen were summoned, and Rosario and Vega were arrested.

Chairman Kramer then ordered all parties brought into the hearing room. In support of the appeal, the appellants Ovidio Vega and Tomas Rosario were present, and advised the Committee that they were represented by Local 10 member John Kurtz; Local 10 member David Spitzer advised the Committee that he was present as a representative of appellant Raymond Cabel, who was delayed in attending. Cabel appeared at 4:55 p.m.

In opposition to the appeal, the charging party, Abe Dolgen was present, and was represented by William Harris. There also were in attendance as witnesses the following, who are members in good standing of Local 10: Nat Roth, Bernard Zionsky, Edward Pastel, Marvin Glick, Nat Klein and Stanley Schaller.

Chairman Kramer opened the session. He stated that the actual proceedings would be held off until appellant Cabel appeared. He advised to all present that Appeal Committee Chairman Gingold felt physically unable to proceed because of a cold, and that the Committee had selected Edward Kramer for this hearing. He identified the individual members of the Appeal Committee present, for the information of all parties. When Cabel did appear, Chairman Kramer, citing the authority of Article 22, Section 3 of the ILGWU Constitution, and prior rulings on this issue, demanded that the appellants shut off the two tape recorders which were on the hearing room table in front of them.

Chairman Kramer further advised all parties that the minutes of this hearing would be prepared and filed with the International's General Office by the Secretary of the Committee, and that copies would be given to any party upon request, and would be available to all parties for inspection and correction at the office. Chairman Kramer then requested the representatives of the parties to show, in compliance with the Constitution, that they were members in good standing of the Union. David Spitzer complied, and John Kurtz stated that he did not have his membership book with him, but certified to the Committee that he was in good standing. This was accepted by the Committee.

Representative Spitzer contended that the appellants had been denied access to minutes of past hearings. Secretary Lipsig intervened that the records showed that the minutes of the meetings of the Local 10 Special Trial Committee of December 18, 1975, January 7 and January 29, 1976, had been sent to Tomas Rosario for all the appellants.

Rosario admitted that he had received the copies of the minutes, but contended that minutes of other earlier meetings had been falsified. Chairman Kramer ruled that, in connection with this appeal, the appellants have the minutes that are relevant. Committee member Daniels intervened to state that the minutes referred to just above were the only minutes relevant to this appeal, insofar as the appellants were concerned; and that the minutes of this hearing would be made available to them also.

Representative Kurtz stated that minutes of prior hearings had been falsified, altered, doctored and changed. He referred to Watergate and the role of tapes. He stated that therefore the appellants demanded their own record of the hearings. Appellant Rosario repeated demands for minutes of meetings of April 8, 1975, and July 22, 1975, and claimed that those minutes would show inaccurate reporting. Chairman Kramer ruled this demand out of order, and ruled that only the minutes of December 18, 1975, January 8 and January 29, 1976, of the Trial Committee were relevant.

Appellant Cabel contended that tape recorders were necessary to protect the appellants; that minutes had been doctored by Nat Klein and others; that the use of the recorders would not interfere with the official minutes; and that the entire proceeding was a kangaroo court and harassment of the appellants. Representative Kurtz agreed that the appellants had received the minutes of the January 8, 1976, meeting of the Special Trial Committee, and that it was the same as the copy Chairman Kramer had before him. Chairman Kramer then requested Kurtz to show what inaccuracies there were in those minutes. Reading from a document before him, Kurtz cited what he claimed were omissions from the January 8 minutes. Omissions he cited consisted solely of repartee back and forth between appellants and the Trial Committee Chairman and members concerning the use of tape recorders. He also claimed the minutes did not show that the appellants wanted to make a statement. He claimed he was not present during the rest of that meeting, and therefore these were the only inaccuracies he could cite. (The statement he referred to was the December 18, 1975, statement of the three accused, and is part of the record before this Appeal Committee.)

Chairman Kramer ruled that the alleged omissions consisted purely and simply of colloquy, and involved no rulings or decisions. Since no damage to the appellants was involved, he ruled that the minutes were not shown to be inaccurate and were acceptable for the hearing. He then renewed his ruling that the appellants must remove the tape recorders, and advised that this did not bar anyone from making his own notes.

Representative Kurtz answered only that the appellants stood ready to proceed. Chairman Kramer asked whether that meant the appellants would or would not remove the recorders, and whether or not they would accept the ruling laid down by the ILGWU Constitution. Representative Kurtz replied only that the appellants stood on his statement. Appellant Rosario intervened to state that this did not involve any interference with the official minutes. Representative Kurtz said that there was a precedent because a public stenographer had been used some years back in an election appeal case by Harry Shaw. Chairman Kramer ruled that at no stage in these proceedings or at this time had the appellants made any request for the use of a public stenographer in the hearings. He then went on to distinguish between a public stenographer and tape recorders which can be doctored.

There then ensued a colloquy between Representative Kurtz and Chairman Kramer about the doctorability of tape recorders. Chairman Kramer stated the Committee was ready to proceed if the tape recorders were turned off and that the appellants would receive a fair hearing. Appellant Cabel contended that the recorders were necessary only to defend themselves, and accused the Appeal Committee of being afraid of a fair trial. Appellant Rosario contended that the hearing would not be fair if the minutes were inaccurate, and that this could not be checked without the use of a recorder.

Chairman Kramer repeated the ruling of the Committee that the appellants would be given a copy of the minutes, and that any errors therein would be correctable. Since the appellants were not ready to proceed with the hearing under the rules established by the Committee, he declared Executive Session, and ordered all parties and witnesses out of the hearing room.

After a session lasting about fifteen minutes, the Committee reopened the hearing to all parties and witnesses. Chairman Kramer announced a ruling of the Committee that it would proceed with the hearing on the basis of the official minutes, with a copy to be provided to the appellants and any corrections suggested by them to be considered; all this on condition that the tape recorders were removed from the hearing room. Representative Kurtz replied that the appellants were ready to proceed with the hearing as previously stated, on the basis of the Appeal Committee notification of the hearing as the appellants construed it.

Chairman Kramer then declared the appeal hearing adjourned, and requested the appellants to let the Committee secretary know if they changed their minds and were ready to proceed with the appeal on the basis of the rules established by the Committee.

As the meeting ended at 5:46 p.m., and the parties left the hearing room, Representative Kurtz addressed the Committee, and stated: "We will see you in Motley's court."

STATE OF NEW YORK)
) SS:
COUNTY OF NEW YORK)

Mary Handler, being duly sworn, deposes and says: deponent is not a party to the action, is over 18 years of age, and resides at 42 Willow Street, Brooklyn, New York 11201.

On August 30th, 1976, deponent served the within Reply Affidavit upon Burton H. Hall, Esq., attorney for plaintiffs in this action, at 401 Broadway, New York, New York 10013, by depositing a true copy of same enclosed in a post-paid properly addressed wrapper, in official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

Mary Handler

Sworn to before me this
30th day of August, 1976

Notary Public

ANNABELLE [illegible]
NOTARY PUBLIC, State of New York
No. 03-[illegible]
Qualified in [illegible]
Cert. filed in New York
Commission Expires March 30, 1977

Exhibit 21

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TOMAS ROSARIO, OVIDIO VEGA and RAY CABEL,	:	
Plaintiffs,	:	76 Civ. 3204 (CBM)
-against-	:	
AMALGAMATED LADIES' GARMENT CUTTERS' UNION, LOCAL 10 of I.L.G.W.U. and INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO,	:	AFFIDAVIT OF SOL C. CHAIKIN, PRESIDENT, ILGWU
Defendants.	:	

SOL C. CHAIKIN, being duly sworn, deposes and says that he hereby submits the following sworn statement to Judge Constance B. Motley:

The Constitution of the International Ladies' Garment Workers' Union (the "Constitution"), was last adopted, as amended, at the convention of the International Ladies' Garment Workers' Union in May 1974. The Constitution is also the official constitution and by-laws of Local 10, ILGWU.

Article 35, Section 1 of the Constitution (pp. 73-74), is captioned "Interpretation" and reads as follows:

> "This constitution and the rules and by-laws of subordinate organizations shall be interpreted according to their plain and obvious meaning. Should there be doubt as to the meaning of any provision, the president, between sessions of the G.E.B., and the G.E.B., between sessions of conventions, shall interpret this constitution. The president's interpretation shall be final unless reversed by the G.E.B. or by a convention and the G.E.B.'s interpretation shall be final unless reversed by a convention."

The next meeting of the General Executive Board of the International Ladies' Garment Workers' Union will be held October 6-8, 1976. The next convention of the International Ladies' Garment Workers' Union will be held in May 1977.

Article 22, Section 2 of the Constitution (p. 53), is captioned "Minutes" and reads as follows:

> "The secretary of a grievance, trial or appeal committee shall file the minutes of all trials and appeals in the office of the union of which it is a part."

Article 22, Section 4 of the Constitution (p. 53), is captioned "Failure to Appear at Trial" and reads as follows:

> "If the accused member fails to appear at the time and place designated for the trial without presenting a good reason for his absence, the trial body shall proceed to take testimony and try the case in the same manner as if the accused member were present."

As President of the International Ladies' Garment Workers' Union, I presided at the meeting of the General Executive Board of the ILGWU ("GEB") on October 8, 1975, which considered the decision of the GEB Appeal Committee on the charges preferred by Abe Dolgen, as a member of Local 10, against Tomas Rosario, Ovidio Vega, and Raymond Cabel.

The GEB on its own motion decided that because of the special circumstances surrounding the case, the charges shall be reheard de novo under the following conditions:

> "1) The Trial Committee shall be composed of rank-and-file members of Local 10 and shall consist of five (5) members and two (2) alternates selected by the membership of Local 10 at the next general membership meeting of the Local. Persons serving on the Trial Committee shall not have previously been involved in hearing the charges or in making the charges or in defending against them.
>
> "2) The Trial Committee shall select one of its members as Chairman. It shall also select a Secretary from among its members who shall prepare the official minutes of the hearing which shall be filed in the offices of Local 10. The official minutes or true copies thereof shall be made available for inspection in the offices of Local 10 by either the charging party or the accused upon their written request therefor. True copies of the minutes shall be furnished if so requested in writing.
>
> "3) Should the Trial Committee find the accused or any of them guilty, any penalty which might be imposed shall not include disqualification as a candidate for Union office."

In deciding that the Secretary of the Trial Committee shall prepare the official minutes of the hearing, the GEB was mindful of Article 22, Section 2 of the

Constitution above quoted and that part of the decision of the GEB Appeal Committee which states:

> "The Local 10 Executive Board properly refused to allow the appellants to make an electronic recording of the hearing. Under our Constitution, there is only one official record of a disciplinary proceeding prepared by the Secretary of a trial or appeal body. The wisdom of this rule has been corroborated by the events in recent public history of the manner in which 'tapes' can be manipulated."

Accordingly, the entire GEB interpreted the Constitution of the ILGWU to forbid the use of tape recorders, overtly or covertly, in disciplinary trials and appeals. The GEB made a similar interpretation on February 25, 1976, in another case involving charges brought by members Spitzer and Cabel against Baldino and Klein, officers of Local 10, in which Rosario was a witness for the charging parties.

As President of the International Ladies' Garment Workers' Union, I hereby reaffirm the prior interpretation of the GEB and in addition thereto make my own interpretation of the Constitution that under it no disciplinary trial or appeal may be tape recorded overtly or covertly by anybody. This includes the proceedings of the Grievance Committee, Trial Committee, and Appeal Committee involving the charging party and the accuseds in the cases pending before you. I have examined the signed statements of plaintiffs Rosario, Vega, and Cabel submitted by them on February 25, 1975, at their first trial, and on May 21, 1975, at their second trial, and on December 18, 1975 at their third trial. I have attached these documents to this statement. They demonstrate that none of them has requested that a stenographer make a record of the Grievance Committee, Trial Committee, or Appeal Committee hearings which were held. Counsel for ILGWU has also informed me that the records of the trials and appeals show that no stenographer was ever brought to any of the hearings or to any of the appeals.

For the reasons given above with respect to tape recorders, I interpret the Constitution to mean that only the Secretaries of Grievance or Trial Committees and of GEB Appeal Committees may take the official minutes of either a trial or

appeal in disciplinary proceedings and that no stenographer may do so. Further, I interpret the Constitution to mean that if any party to a disciplinary trial or appeal disobeys the above interpretations and appears with a tape recorder or a stenographer at a trial or appeal hearing after having been given due notice that if he or she does so the trial or appeal will be heard in his or her absence, it would mean a lawful failure to appear at the trial or appeal, as the case may be, under Article 22, Section 4 of the Constitution.

Counsel for ILGWU has advised me of the two pending actions in the United States District Court, Southern District, Docket No. 75 Civ. 4632 and Docket No. 76 Civ. 3204, in which Rosario, Vega and Cabel are plaintiffs, and of the argument in the latter case on Wednesday afternoon, September 8, 1976, on the motions made by Rosario, Vega and Cabel for consolidation of the two actions and for a preliminary injunction against Local 10 and International Ladies' Garment Workers' Union and of the cross-motions by Local 10 and International Ladies' Garment Workers' Union for summary judgment. He has also advised me of the questions posed to him by your Honor as to whether the hearing of the appeal from the decision of the Local 10 Trial Committee, dated January 29, 1976, which is still pending before the GEB Appeal Committee, would constitute a rehearing de novo at which all witnesses and their lay counsel may be present and full testimony adduced and a full opportunity given to confront and cross-examine witness, and that he replied in the affirmative. I hereby state to your Honor that his answer is correct.

Counsel for the International Ladies' Garment Workers' Union also advised me that your Honor inquired of him whether the GEB Appeal Committee would permit a stenographer to be present at the Appeal Committee hearing and he stated he did not know what the GEB Appeal Committee decision would be. He also advised me that at that point your Honor adjourned the argument to Tuesday, September 14, 1976, at 4:30 p.m. and requested that the Chairman of the GEB Appeal Committee or some other person authorized to speak for the Appeal Committee appear at that time.

Counsel for International Ladies' Garment Workers' Union advised me

further of a decision of a federal district court in 1973 in the Northern District of Illinois, Kiepura v. Local 1091 Steelworkers, 358 F. Supp. 987, in which the Court stated: "We do not hold that the use of a court reporter is a necessary element of a 'full and fair hearing.'" However, he informed me that the Court believed that under the special circumstances of the case, where much of the evidence was an attempt to reconstruct what took place at a hearing held four years earlier, the refusal of the accused's offer to supply a court reporter at his own expense was an abuse of discretion which would tend to deprive the accused of a full and fair hearing. I am informed by Counsel for ILGWU that that case was never appealed and that he knows of no other decision of any other court relating to the right of stenographers to be present at disciplinary proceedings except in a case where the constitution of a labor union specifically requires it.

After conferring with the Chairman of the GEB Appeal Committee, I hereby advise your Honor that if your Honor should conclude that there are special circumstances in the case before you which require use of a stenographer at the appeal hearing it may be in line with the Kiepura case, but without establishing a precedent for any other disciplinary trial or appeal in which the International Ladies' Garment Workers' Union and/or its subordinate organizations may be involved, to order that a stenographer attend the Appeal Committee hearing, but under the following conditions:

1. The stenographer shall, as in the Kiepura case, be a court reporter certified as such by the Clerk of the United States District Court for the Southern District of New York.

2. Copies of the transcript shall be delivered by the stenographer to the Chairman of the GEB Appeal Committee and to the charging party.

3. If Rosario, Vega, and Cabel expect an early decision on the charges against them they must order from the court reporter an expedited transcript; otherwise the transcript will not be delivered until about three or four weeks from the time of the recording.

4. All expenses of the court reporter, as in the Kiepura case, shall be borne exclusively by Rosario, Vega, and Cabel.

5. The appeal from the Trial Committee's decision of January 29, 1976 shall be a hearing de novo by the GEB Appeal Committee and shall take place at the earliest possible date. The charging party and the accuseds shall have the right to be represented by lay counsel in the manner provided in the ILGWU's Constitutio , and all parties shall have the right to present whatever witnesses they desire who may give their testimony orally or from written statements prepared by them, as is traditional and customary in disciplinary proceedings in the ILGWU. They shall have the right to confront and cross-examine witnesses and to make opening and closing statements. The members of the GEB Appeal Committee shall also have the right to question any witnesses.

6. In the meantime, the decision rendered by the Trial Committee on January 29, 1976, shall remain in full force and effect, as provided in the ILGWU Constitution.

7. I interpret the ILGWU Constitution to mean that on a rehearing de novo, as in this case, the minutes of the prior trials of Rosario, Vega, and Cabel held in February and May 1975, and the minutes of the GEB Appeal Committee hearings held on April 28, 1975 and July 22, 1975, need not be given to anyone because they could be highly prejudicial. Moreover, they are not needed for a defense. Rosario, Vega and Cabel have the minutes of the hearings held by the Trial Committee on December 18, 1975 and January 8, 1976 and the decision rendered by it on January 29, 1976. However, if Rosario, Vega and Cabel should now request the testimony of the charging party, Abe Dolgen, and his witnesses at the two trials which were held in February and May, 1975, for the purposes of confronting them with their previous testimony -- a request heretofore never made by them -- the request shall be granted.

8. The GEB Appeal Committee shall make its decision as soon as reasonably possible after receipt of the transcript of the hearing from the court

reporter. Notice of the decision shall be sent to Rosario, Vega, and Cabel as well as to the other interested parties as soon as it is rendered.

S/

Sol C. Chaikin

Sworn to before me this

14th day of September, 1976.

MAX ZIMNY
Notary Public, State of New York
No. 30-4592503
Qualified in Nassau County
Certificate filed in New York County
Commission Expires March 30, 1977

Statement to the Executive or
Trial Board of Cutters' Local 10

The undersigned hereby appear at the hearing schedule in regard to charges filed against us by Abe Dolgen, Manager of Local 10.

Each of the undersigned objects to the presence or participation, on any trial body hearing such charges, of Nat Klein, a close political ally of the said Dolgen who, in addition to his political prejudice against the members here charged, was a participant in the events on which the said Dolgen bases his charges.

Each of the undersigned further objects to the presence or participation on any such trial board of any of the present members of the Local 10 Executive Board, on the ground that each such member of the Executive Board is and long has been a close political ally (English translation: stooge) of Messrs. Dolgen and Klein and is politically prejudiced against each of the members charged.

Each of the undersigned demands the right to bring a tape recorder to any trial or disciplinary hearing and record the proceedings thereon, on the ground that the right to make a full and accurate record of proceedings is inherent in the concept of a fair trial.

As to the charges. Each of the undersigned denies any violation of any provision of the constitution of the ILGWU. In particular: each of the undersigned categorically denies that he, or any of the members charged together with him, either "took possession" of any Local 10 office, or "obstructed" or "interfered" with any of the business of Local 10, or "interfered" with the functioning of any business agent or officer, or refused any orders by officers of Local 10. Each of the undersigned categorically denies that Brother Ray Cabel, or any other of the undersigned, "sought" or attempted to provoke physical action against anyone at any time, or performed any acts toward such an end.

Having some familiarity with the Moscow-style "trials" conducted by Local 10's Executive Board, none of the undersigned expects a fair trial on these charges; however, each is determined to exercise and exhaust, in good faith, all reasonable remedies available to him in regard to the disciplinary harrassment being carried out against him by Dolgen and his allies Each of the undersigned protests, however, that this campaign of harrassment -- of which the charges are part -- is an attempt to intimidate and coerce rank-and-file members of Local 10 in the exercise of their union rights, and an attempt to persecute those rank-and-file members who have protested against the widespread violations of our collective bargaining agreement committed by employers in apparent collusion with Dolgen and other bureaucrats allied with him.

The said Dolgen has previously filed false charges against two of the undersigned, with the aim of causing their arrest and harrassment. When the time came to come forward, substantitate his charges and swear to a complaint, however, Dolgen chickened out: he wasn't man enough to come forward and air his charges in an open forum. Instead he seeks to use the kangaroo-court of stooges provided by Local 10's Executive Board to persecute his rank-and-file opponents on the same phoney charges.

Tomas Rosario
Ledger #26288

Ovidio Vega
Ledger #17937

Raymond Cabel
Ledger #25777

February 25,1975.

Re- Hearing

May 21, 1975

Statement to the Trial Board of Local 10

The undersigned appear at the hearing scheduled in regard to charges filed against us by Abe Dolgen, Manager of Local 10.

Each of us denies the charges against us. Neither of the undersigned, at any time, either "took possession" of any Local 10 office, or "obstructed" or "interfered" with Local 10's business or the functioning of any business agent or officer, or committed any other violation of the ILGWU constitution. Each of the undersigned further denies that Brother Ray Cabel, or any of the undersigned, at any time "sought" or attempted to provok e physical action against any person at any time, or performed any acts toward such an end.

Each of the undersigned objects to the presence or participation on the Trial Board of any person who has pre-judged or previously judged us, or any of us, concerning the same or related charges against us. In particular, we object to the presence on the Trial Board of any person who participated in, or was present at, the previous hearing held in connection with these charges.

As the undersigned prviously have advised the Executive Board, we have too much familiarity with the Moscow-style "trials" conducted by Local 10's officialdom to expect a fair trial on the charges filed by Dolgen against us. We note that Dolgen was not man enough to show up in criminal court, where he previously had filed substantially the same charges against the two of us. Lacking the courage to appear in a public forum, he seeks instead, through a kangaroo-court manipulated and controlled by him, to persecute us and to thereby intimidate other members in their free exercise of their rights as Union members.

No honest or accurate record was taken of the previous hearing. The undersigned were even denied access to and use of the fraudulent and grossly inaccurate record that was taken by brother Nat Klein. Accordingly, the undersigned again demand the right to tape record the entire proceedings, in order to make a true and accurate account and record of what is said and done.

Tomas Rosario
Ledger #26288

Ovidio Vega
Ledger #17937

Raymond Cabel
Ledger #25777

December 18, 1975.

STATEMENT TO THE THIRD TRIAL COMMITTEE
TO TRY US ON DOLGEN'S CHARGES

For the third time we appear for a Moscow- style trial hearing on the charges filed against us by Dolgen. Dolgen's charges against us are nothing but lies and we are not guilty. Nevertheless, we have already been twice convicted by Dolgen's kangaroo courts and twice suspended from union activities as disciplinary punishment. The first such suspension went into effect after the hearing of February 25,1975 and remained in effect for two months, until April 28, 1975. The second went into effect after the second kangaroo proceeding of May 21, 1975 and so far as we know it is still in effect.

Theoretically, this Trial Committee was to be selected by the membership of Local 10. But in reality the membership had no real say in choosing it. Its selection was rigged by Dolgen. No notice of the membership meeting of November 24, 1975 was sent out to members. Notice was not even posted on the Local's bulletin board until a week before the meeting. And though notice was printed in the English-language edition of "Justice", it was deliberately omitted from the Spanish- and Italian- language editions. As a result, barely 125 members were present at the meeting. And at the meeting, the members were denied the right to vote by secret ballot. Instead, Dolgen imposed a hand-voting procedure, in which he and the business agents were allowed to intimidate members.

We have demanded copies of the minutes of our previous trials and appellate hearings. We have been denied them. In preparation for this hearing -- and in order to prepare for it -- we have requested copies of the minutes of the previous trials and of the membership meetings and executive board meetings at which the charges against us have been considered and/or reported upon. We have been denied them. As a result we have been denied a fair opportunity to prepare for this trial hearing.

We protest the rigged manner in which this Trial Committee was chosen and the denial to us of minutes of previous trials and meetings which are necessary to us in preparation for this hearing.

At previous trials and appellate proceedings there has been no competent stenographer present and we have been denied the right to tape record the proceedings or to bring a competent stenographer with us. Since we have been denied such right, and expect to be denied the right to have a stenographer record the proceedings, we have not gone to the expense of hiring a stenographer on this occasion. However, each of us demands and insists upon the right to bring a tape recorder and to record the proceedings thereon. On the past, "official" minutes of these proceedings have been "doctored", i.e., falsified. We know, judging by our past experience, that whatever minutes are taken by you they will be treated as the "record" of these proceedings on any appeal within the labor organization.

We are bringing with us a tape recorder so that we may take an accurate record of the proceedings. We are not interfering with the

taking of official notes by the Trial Committee's Secretary. We insist upon our right to make our own record in order to protect ourselves against falsification and/or innocent errors in those official notes, which in the past have been"doctored", i.e., falsified.

Accordingly, we insist upon our right to have these proceedings recorded by us on a tape recorder; such right to make a full and accurate record of proceedings is inherent in the concept of a fair trial.

Having previously experienced the Moscow-style trials conducted by the present officialdom of Local 10, none of us expects a fair trial by you. Nevertheless each of us intends to exercise and exhaust all reasonable remedies available to us within the labor organization. Each of us protests, however, that the disciplinary harassment of us is being carried on as an attempt by Dolgen and his stooges to intimidate rank-and-file members of Local 10 in the exercise of their Union rights.

Dolgen's charges against us are lies. He in effect admitted that they are lies when, after demanding that the police arrest two of us on substantially the same charges (and demanding that they arrest the third of us if only they could find him), Dolgen failed to show up in court to testify under oath, in front of a judge that he could not manipulate, in support of those charges.

Each of us denies the charges. Specifically, each of us denies that he ever "took possession" of any local 10 office or "obstructed" or "interfered with" the business of Local 10 or of any business agent, or refused lawful orders, or sought to provoke physical action against anyone. Dolgen's charges are lies and Dolgen himself is a liar, who lacks the courage to stand up in court in support of his charges.

Dolgen is using you to harass us because he is not man enough to face a court of law. Go ahead, conduct your hearing.

Tomas Rosario
TOMAS ROSARIO
Ledger #26288

Raymond Cabel
RAYMOND CABEL
Ledger # 25777

Ovidio Vega
OVIDIO VEGA
Ledger # 17937

December 18, 1975.

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

- x

TOMAS ROSARIO, OVIDIO VEGA and RAY CABEL,

Plaintiffs-Appellees,

- against -

AMALGAMATED LADIES' GARMENT CUTTERS' UNION, LOCAL 10 of I.L.G.W.U. and INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO,

Defendants-Appellants.

- x

C/A Ref. No. 76/7472

South. Dis.
76 Civ. 3204 (CBM)

AFFIDAVIT OF PERSONAL SERVICE

STATE OF NEW YORK)
: ss.:
COUNTY OF NEW YORK)

Velma A. Winter, being duly sworn, deposes and says: deponent is not a party to the action, is over 18 years of age and resides at 43-42 45th Street, Sunnyside, NY 11104.

On October 15, 1976, deponent served the within Appendix upon Dolly Cacciola, at Goldberger, Feldman and Breitbart, at 401 Broadway, New York, New York, for Burton H. Hall, Esq. Attorney for Plaintiffs-Appellees in this action at 401 Broadway, New York, New York, by delivering a true copy thereof to her personally. Deponent knew the person so served to be the person authorized to accept service for the person mentioned and described in said papers as the Attorney for Plaintiffs-Appellees therein.

Velma A. Winter

Sworn to before me
this 18th day of October
1976.

Notary

ANNA TELLER
NOTARY PUBLIC, State of New York
No. 03-[illegible]
Qualified in Nassau County
Cert. filed in New York County
Commission Expires March 30, 1977

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STATE OF NEW YORK, COUNTY OF ss.:

The undersigned, an attorney admitted to practice in the courts of New York State,

Check Applicable Box

☐ **Certification By Attorney** certifies that the within has been compared by the undersigned with the original and found to be a true and complete copy.

☐ **Attorney's Affirmation** shows: deponent is the attorney(s) of record for in the within action; deponent has read the foregoing and knows the contents thereof; the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true. This verification is made by deponent and not by

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

Dated:

.....
The name signed must be printed beneath

STATE OF NEW YORK, COUNTY OF ss.:

Check Applicable Box

☐ **Individual Verification** being duly sworn, deposes and says: deponent is the in the within action; deponent has read the foregoing and knows the contents thereof; the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters deponent believes it to be true.

☐ **Corporate Verification** the of a corporation, in the within action; deponent has read the foregoing and knows the contents thereof; and the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters deponent believes it to be true. This verification is made by deponent because is a corporation and deponent is an officer thereof.

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

Sworn to before me on 19

.....
The name signed must be printed beneath

STATE OF NEW YORK, COUNTY OF ss.:

being duly sworn, deposes and says: deponent is not a party to the action, is over 18 years of age and resides at

Check Applicable Box

☐ **Affidavit of Service By Mail** On 19 deponent served the within upon attorney(s) for in this action, at the address designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a post-paid properly addressed wrapper, in — a post office — official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

☐ **Affidavit of Personal Service** On 19 at deponent served the within upon the herein, by delivering a true copy thereof to h personally. Deponent knew the person so served to be the person mentioned and described in said papers as the therein.

Sworn to before me on 19

.....
The name signed must be printed beneath

NOTICE OF ENTRY

Sir:- Please take notice that the within is a *(certified)* true copy of a

duly entered in the office of the clerk of the within named court on 19

Dated,

Yours, etc.,

MAX ZIMNY

Attorney for

Office and Post Office Address

1710 Broadway

Borough of Manhattan **New York, N. Y. 10019**

To

Attorney(s) for

NOTICE OF SETTLEMENT

Sir:—Please take notice that an order

of which the within is a true copy will be presented for settlement to the Hon.

one of the judges of the within named Court, at

on the day of 19

at M.

Dated,

Yours, etc.,

MAX ZIMNY

Attorney for

Office and Post Office Address

1710 Broadway

Borough of Manhattan **New York, N. Y. 10019**

To

Attorney(s) for

~~XXXXXXX~~ ~~XXXXX~~

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
76 Civ. 3204 (CBM)

TOMAS ROSARIO, OVIDIO VEGA and RAY CABEL,

Plaintiffs-Appellees,

-against-

AMALGAMATED LADIES' GARMENT CUTTERS' UNION, LOCAL 10 of I.L.G.W.U. and INTERNATIONAL LADIES' GARMENT WORKERS' UNION, AFL-CIO,

Defendants-Appellants.

AFFIDAVIT OF PERSONAL SERVICE

EMIL SCHLESINGER
~~Attorney for Defendant-Appellant~~
Local 10 of I.L.G.W.U.
218 West 40th Street
New York, NY 10018
(212) OX 5-0850

Attorney for **MAX ZIMNY** Defendant-Appellant ILGWU

Office and Post Office Address

1710 Broadway

Borough of Manhattan **New York, N. Y. 10019**

(212) 265-7000

To CLERK OF THE COURT
U.S. COURT OF APPEALS
~~XXXXXXXXXX~~ FOR THE SECOND CIRCUIT

Service of a copy of the within

is hereby admitted.

Dated,

.....

Attorney(s) for

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